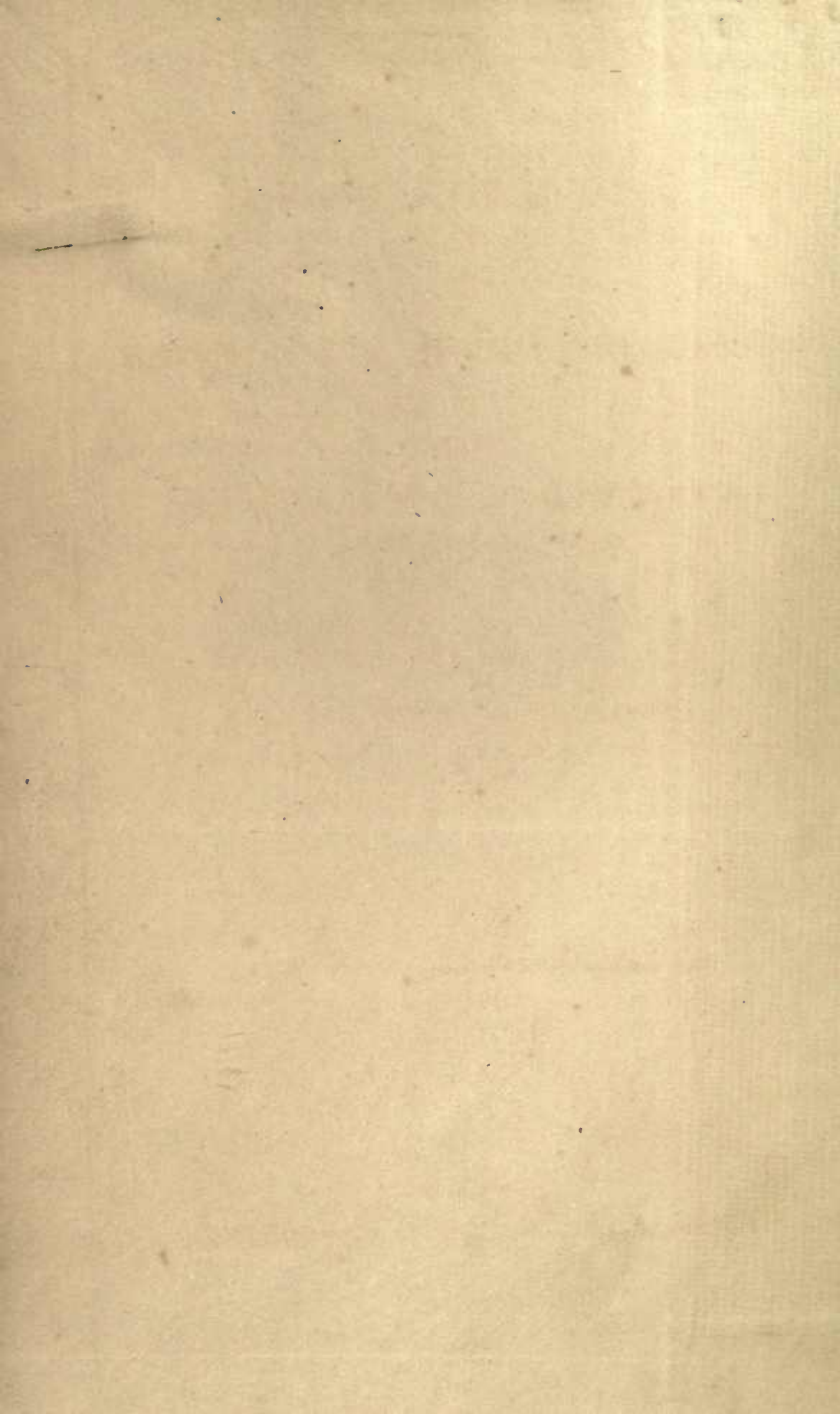


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THE LAW
OF
CHURCH ORNAMENTS AND UTENSILS,

INCLUDING
COMMUNION TABLES, VESTURES, ORGANS,
CANDLES AND CROSSES.

BY
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AUTHOR OF THE "LAW OF PEWS," THE "LAW OF HORSES," &c. &c.

"If it be possible, as much as lieth in you, live peaceably with all men."

St. Paul to the Romans.

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P R E F A C E.

A PERSON unacquainted with our Ecclesiastical system would naturally suppose that the Clergy, being in several respects a distinct body in the State, with peculiar duties and privileges, would be governed by a distinct Code of Laws, in all matters relating to their particular functions. This is the case with the Military Profession, who have Laws framed for the express purpose, under the title of Articles of War. But it is not so in our Church, for there the Law consists of a mass of the most heterogeneous materials, and is, in many particulars, so vague and indefinite, that not only Bishops and Clergymen, but even the most practised and accomplished Lawyers are often unable to arrive at any satisfactory result.

As many of the Laws by which the Clergy are to be governed were framed by Popish Legates and Archbishops long before the Reformation, and are vague and uncertain in their operation, and difficult to be understood in their effect, we cannot be surprised if honest men of all parties are constantly arriving at conflicting conclusions. It would, there-

fore, save a world of profitless dispute, and be most conducive to Christian Charity and the true interests of Religion, were these materials codified, and a distinct body of Ecclesiastical Law compiled.

The Author now lays before the Clerical and Legal Professions, and the Public generally, the result of a fair and impartial investigation of the various subjects on which he treats, and would earnestly impress upon the minds of the Clergy the following advice of the Bishop of Exeter in 1844 :—“ The peculiar dangers of the times, as well as the prevailing tone of public opinion, call upon you most powerfully, as you would avoid being in the number of ‘ them through whom offences come,’ to forbear all unnecessary innovation, especially as I have recently had occasion to urge that worst kind of innovation, the revival of obsolete usages not required by law, which are associated in the minds of the people with the superstitions and corruptions of Rome.”

G. H. H. O.

8, Serjeants Inn, Temple.

June 27, 1851.

THE LAW

OF

CHURCH ORNAMENTS AND UTENSILS.

CHAPTER I.

OF THESE GENERALLY.

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Ornaments and Utensils are of two sorts.

THE Ornaments and Utensils of a Church are of two sorts.

1st. Those articles which either the Law or the nature of the things themselves make necessary ; such as the Font, the Communion Table, with its Carpet and Linen Covering, the Communion Plate, Reading Desk, Pulpit, Bible, Common Prayer Book, Register Books, Surplice, &c. &c. (a)

2ndly. Such things as we find provided by the Parishioners, over and above what either the Law or the absolute necessity of the things themselves require ; such as a Pulpit Cloth, a Pulpit Cushion, a Cloth for the Reading-Desk, Rails for the Communion Table, an Organ, Silver Basins for the Offertory, Branches for Lights, &c. (b) And also a variety of things which may be added to the Steeple or exterior of the Church, for the benefit and convenience of the Parishioners, as a Clock, a Dial, Chimes, or a superfluous number of Bells, &c. (c)

The Inventory of Ornaments and Utensils, while this land was under Popery, was very large in every Parish ; the Vestments, Images, Vessels, and other implements necessary for the carrying on of that superstition being very many, and of great expense to the people in their constant repair, as well as in the first providing them. (d)

Were very numerous in the time of Popery.

(a) Prid. 30.

(b) Prid. 31.

(c) Prid. 30.

(d) Prid. 31.

As these articles are frequently mentioned in the books, a list of things enjoined by an ancient Constitution of Archbishop Winchelsea is here given. The Constitution is as follows:—"The Parishioners shall find at their own charge, a Legend, an Antiphoner, a Grail, a Psalter, a Troper, an Ordinal, a Missal, a Manual, the Principal Vestment, with a Chesuble, a Dalmatic, a Tunic, with a Choral Cope, and all its appendages, a Frontal for the Great Altar, with three Towels, three Surplices, one Rochet, a Cross for Processions, a Cross for the Dead, a Censer, a Lanthorn, a Hand-Bell to be carried before the body of Christ, a decent Veil for Lent, Banners for the Rogations, a Vessel for the blessed Water, an Osculatory, a Candlestick for the Taper at Easter, a Font with a Lock and Key, the Images in the Church, the Chief Image in the Chancel, the Reparation of the Body of the Church within and without, as well in the Images as in the Glass Windows, the Reparation of Books and Vestments, whenever they shall need." (e)

List of things enjoined by an ancient Constitution.

At the time of the Reformation, it became necessary that an alteration should take place in the Ornaments, Utensils, and general Service of the Church; and accordingly a variety of changes were about that time made.

Change at the Reformation.

And it is remarkable that the Parochial Church of Yarmouth had, in the times of Popery, so many Goods and Utensils belonging to it, that, at the Reformation, such of these as were then thought

The Parochial Church of Yarmouth.

(e) Lyndw. 251. A large Catalogue of these Popish Ornaments and Utensils may also be seen in Stavely's History of the Church of England, cap. 12, and also in 1 Cardw. Doc. Ann. 151.

superfluous being sold towards the repair of their Pier, the money raised appears, by the Town books, to have amounted to 977*l.* 6*s.* 8*d.*, an immense sum in those days. (*g*)

Homily on the subject of Ornaments.

In the Homily, *Against Peril of Idolatry*, it is said, "No more did the old godly Bishops and Doctors of the Church, allow the over-sumptuous furniture of Temples and Churches, with plates, vessels of gold, silver, and precious Vestments. St. Chrysostom saith, 'In the Ministry of the Holy Sacraments, there is no need of golden vessels, but of golden minds.' And St. Ambrose saith, 'Christ sent his Apostles without gold, and gathered his Church without gold.'" (*h*)

Statute of Queen Elizabeth.

By 1 Eliz. cap. 2, s. 25, "such Ornaments of the Church, and of the Ministers thereof, shall be retained and be in use as were in this Church of England by authority of Parliament in the second year of King Edward VI., until other order shall be therein taken by the authority of the Queen's Majesty, with the advice of her Commissioners appointed and authorized under the Great Seal of England for causes Ecclesiastical, or of the Metropolitan of this Realm."

A Commission granted.

In pursuance of this clause, the Queen, in the third year of her Reign, granted a Commission to the Archbishop of Canterbury, the Bishop of London, and two Doctors, to reform the disorders of Chancels, and to add to the Ornaments of them, by ordering the Commandments to be placed at the East end. (*i*)

(*g*) Prid 31; and see Stavely's History of the Church of England, cap. 12.

(*h*) 2 Offic. cap. 28.

(*i*) 1 Burn's Eccl. Law, 367 *e*; Gibs. Cod. 201.

The Rubric of our Common Prayer Book provides, that "such Ornaments of the Church, and of the Ministers thereof, at all times of their ministration, shall be retained and be in use as were in this Church of England, by authority of Parliament, in the second year of the Reign of King Edward VI."

Provision of our Rubric as to Ornaments.

There is, however, no Statute of that year which contains any enactments respecting the Ornaments of the Church; and even in the first Prayer Book of Edward VI., which was authorized by the Statute 2 & 3 Edward VI. cap. 1, (*k*) nothing is said about the Ornaments of the Church.

No positive enactment on the subject.

But the "Ornaments of the Ministers of the Church at all times of their Ministrations," are in that Prayer Book particularly specified, and are consequently the Vestures which in strictness ought to be worn by our Clergy in the present day, (*l*) and this, although different directions be given by our Canons, which, being both of earlier date than our last Prayer Book, and having never been confirmed by Parliament, are not of equal authority.

But Vestures of the Clergy are specified.

But although we may not, directly, be able to produce authorities, as to what Ornaments "were in this Church of England by authority of Parliament, in the second year of the reign of King Edward VI.," we may come to a satisfactory conclusion as to what were then *not* Ornaments.

Discussion as to what are *not* Ornaments.

By 31 Henry VIII. cap. 8, Proclamations made by the King's Highness, with the advice of his Honourable Council, were to be obeyed and kept

Statutes of Henry VIII.

(*k*) The use of this Prayer Book was not enjoined "till the first of Pentecost then next coming," that is, the third year of the same Reign.

(*l*) As to Vestures, see p. 47.

as though they were made by the authority of Parliament; and the 34 & 35 Henry VIII. cap. 23, was passed for the due execution of such Proclamations.

Royal Injunctions of Edward VI.

While these Statutes were in force, namely, in 1547, the Royal Injunctions of Edward VI. were issued, forbidding a variety of superstitious Ornaments, Utensils, Rites, and Ceremonies.

Their effect.

These Statutes were soon afterwards repealed; but it cannot for a moment be argued, that those superstitious Ornaments, which in the first year of the reign of Edward VI., were by Royal Injunctions having the authority of Parliament, ordered to be removed and abolished, should, as soon as these Injunctions ceased to have the authority of Parliament, become "Ornaments in this Church of England, by authority of Parliament, in the second year of the reign of King Edward VI." (1) The most that could be said for them would be, that if, after being taken down, they were again put up, there would be a violation of the Royal Injunctions, but no penalty, for so doing, could be inflicted by authority of Parliament.

Ornaments forbid by them.

It may therefore be laid down, that all the Ornaments forbid by the Royal Injunctions, are *not* those which "were in this Church of England by authority of Parliament, in the second year of the reign of King Edward VI."

What are expressly specified.

The following are expressly specified, it being ordered, "That they shall take away, utterly extinct and destroy, all shrines, coverings of shrines,

(1) 31 Hen. VIII. cap. 8, and 34 both repealed by 1 Edw. VI. cap. & 35 Hen. VIII. cap. 23, were 12, s. 5.

all tables, candlesticks, trindles or rolls of wax, pictures, paintings, and all other monuments of feigned miracles, pilgrimages, idolatry, and superstition, so that there remain no memory of the same in walls, glass windows, or elsewhere within their Churches or houses." (m)

Where doubts arise as to the observance of the Rubric, &c., the Preface to our Book of Common Prayer "Concerning the Service of the Church," tells us, that "for the resolution of all doubts, concerning the manner how to understand, do, and execute the things contained in this Book," the parties doubting or differing are to have recourse to their Bishop, who, if he be in doubt himself, is "to send to the Archbishop for the resolution thereof."

Provision in case of doubt.

Therefore, where the law has given no express or specific directions, the right of deciding what Ornaments are to be used rests with the Ordinary.

Ordinary must decide.

So that, with respect to those Ornaments of the Church where the Rubric and Canons are either silent or not clear, and about which there is a difference of opinion, the judgment of the Bishop should be sought. (n)

Where the Bishop's Judgment should be sought.

The law allows the Ecclesiastical Court to have connusance with regard to the Ornaments of the Church, and it prevents the interference of the Temporal Courts. (o)

Ecclesiastical Court has sole connusance.

By the Statute of *Circumspecte Agatis*, 13 Edw. I. Stat. 4, cap. 1, passed in 1225, "The King to his Judges sendeth greeting. Use yourselves circum-

Statute of *Circumspecte Agatis*.

(m) 1 Cardw. Doc. Ann. 17. Charge, Oct. 1842.

(n) See Bishop of London's (o) 2 Inst. 489.

spectly in all matters concerning the Prelacy, where they do punish for that the Church is not conveniently decked, in which case the Spiritual Judge shall have power to take knowledge, notwithstanding the King's Prohibition."

Therefore if any person venture to add anything which he may deem an Ornament, he does it at his peril, and must be prepared to show that what he adds, "was in use in this Church of England in the second year of the reign of King Edward VI.," or else he renders himself liable to ecclesiastical censures. (*p*)

For if Ornaments not authorized by law, be placed in a Church without the consent of the Ordinary, he may require them to be removed.

The ordering of the Ornaments and Furniture of the Church belongs to the Churchwardens; and, where there are none, to those to whom it may have been by proper authority confided. (*p*)

But the Clergyman has no right inherent in himself, to order the Ornaments or Furniture of the Church. (*p*)

And the Bishop of Exeter said on this subject, (*p*) in a recent case which was tried before him, "To the Minister's opinion, indeed, and to his wishes, in all lawful things, great deference ought to be, and doubtless always will be shewn. But if he assume a right which does not belong to him; if he permit himself to step beyond the line of his own duty, and to intrude on the province of others; it becomes him

Ornaments are added at a person's peril.

May be removed if improper.

Churchwardens order the Ornaments.

Clergyman has no right to do so.

But deference should be paid to his wishes.

(*p*) See Judgment of Bishop of Exeter in re Parks Smith (Clerk), May 28, 1847.

to be cautious, to the utmost, against venturing on any act, which, in itself, is even questionable." (s)

If any of the particulars of the Fabric or Utensils, which either the law, or the nature of the things themselves, make necessary to every Church, have been omitted or let down *for any time*, the Churchwardens are empowered to restore them, how many years soever may have passed since they were last in use, without any consent of the Parishioners, or license of the Ordinary; for the duty of their office obliges them to do this. (t)

Churchwardens to restore necessary Ornaments.

And the Parishioners are bound to provide things convenient and necessary for the performance of Divine Service. (u)

Parishioners to provide things necessary and convenient.

The Inhabitants of every part of the Parish, however divided, being bound to contribute to the maintenance of the Parish Church, and all legal expenses incident thereto, unless exempted, as in the case of a District Church, by Act of Parliament. (x)

Inhabitants of a divided Parish.

As to matters of Ornament, a distinction has been taken between Inhabitants of the Parish, and Occupiers of Land not resident in the Parish, and it has been said that the non-resident Occupiers are not rateable for such things. (y)

Distinction as to non-resident Occupiers.

But Sir Simon Degge is of opinion that this is not law, for "otherwise," says he, "there would be great confusion in making several levies, one for the repair

Sir Simon Degge's opinion.

(s) See per Bishop of Exeter in re Parks Smith (Clerk), May 28, 1847.

Eliz. 659; Jeffrey's case, 5 Rep. 67 a.

(t) Prid. 51.

(x) *Chesterton v. Farlar*, 1 Curt. 347.

(u) *Paget v. Crompton*, Cro.

(y) *Woodward's case*, 3 Mod. 211.

of the Body of the Church, and another for the Ornaments, which I have never observed to be practised within my knowledge." (z)

A further distinction.

A further distinction has also been taken, namely, that although a person holding Lands in a Parish wherein he does not reside, is as much chargeable to the *ancient* Ornaments of the Church, such as Bells, Seats, &c., as those who live in the Parish, yet that such Landholders cannot be charged to *new* Bells, Organs, &c. (a)

Decision of Chief Justice Holt.

But in a later case it was held, that although a person does not reside in the Parish, yet by having Lands in hand there, he is an Inhabitant and taxable. Therefore, where a Person under such circumstances refused to pay a Rate for re-casting the Bells, on the ground of their being Ornaments; Chief Justice Holt held him liable, and said, "If he be an Inhabitant as to the Church, which is confessed, how can he not be an Inhabitant as to the Ornaments of the Church?" (b)

The present practice.

And it seems that at the present time the practice of making one Church-rate do for all purposes, is universal and well established, and as a matter of convenience countenanced both by the Ecclesiastical and Temporal Courts. (c)

(z) Degge's P. C. Part i. chap. xii.

(a) Willmot's case, 6 Jac. B. R.; Chester's case, 10 Jac., both cited Degges, P. C. part i. chap. xii.

(b) Woodward v. Makepeace, 1 Salk. 164; see also Crews v. Draper, 1 Bulstr. 20.

(c) See Shaw's Parish Law, 92; Prid. 76, 78; Chesterton v. Farlar, 1 Curt. 347.

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THE FONT.

THE FONT is said to derive its name from the fact, that at the beginning of Christianity Baptism was performed in springs or fountains. (a)

Formerly very large.

In primitive times Fonts were very large and capacious, both on account of the custom of immersion, and also of the great numbers of people baptized at the same time. There was also a partition in the middle, so that one part was used for men and the other for women. (a)

Why made of stone.

The Font was always made of stone, the reason for which given by Durandus is, because the water that typified Baptism in the wilderness flowed from a Rock, and because Christ, who gave forth the living water, is in Scripture called the Corner Stone and the Rock. (b)

Where placed.

Fonts were at first built near the Church, (c) then in the Church porch, and afterwards placed in the Church itself; but still keeping the lower end, to intimate, it is said, that Baptism is the entrance into the mystical Church. (a)

One required in each Church.

Canon 81 is as follows:—"According to a former Constitution, too much neglected in many places, we

(a) Wheatly on the Common Prayer, 290.

(b) Wheatly on the Common Prayer, 290; Rational Div. Offic. Lib. 6, e. 82, num. 25, fol. 364; Exod. xvii. 6.

(c) The ancient Font of Seraptoft Church was, until lately, in the Churchyard, a more modern one being used for Baptism in the Church. 1 Ecclesiologist, 179.

appoint that there shall be a Stone Font (*d*) in every Church and Chapel where Baptism is to be administered; the same to be set in the ancient usual places, in which only Font the minister shall baptize publicly." (*e*)

In "the ministration of Public Baptism of Infants The Water. to be used in the Church," the Rubric directs that the godfathers and godmothers, and the people with the children, must be ready at the Font either immediately after the last lesson at Morning Prayer, or else immediately after the last lesson at Evening Prayer, as the Curate by his discretion shall appoint. And the Priest coming to the Font (which is *then* to be filled with pure water), and standing there, is to perform the Service.

In our Baptismal Service the "Priest" prays to How sanctified. God to "sanctify this water to the mystical washing away of sin." This, however, does not mean that the water in the Font is to contract any new quality in its nature and essence, and so become holy, but only that prayer is made to sanctify it in its use. (*f*)

In the Greek Church particular care is taken How to be disposed of after Baptism. that the water which has been used for Baptism, should never be thrown into the street like common water, but it is passed into a hollow place below the Altar (called *Θαλασσίδιον* or *Χωνέιον*), where it soaks into the earth, or finds a passage. But in our Church no provision is made as to how the water used in the Font, is to be disposed of after Baptism. (*g*)

(*d*) Artificial stone would seem to be an improper material.

See 1 Ecclesiologist, 127.

(*e*) See Gibs. Cod. 360.

(*f*) See Wheatly on the Common Prayer, 2.

(*g*) See Wheatly on the Common Prayer, 316.

THE ANCIENT
ALTAR.

“The Altar,” as Wheatly tells us, “was the name by which the holy board was constantly distinguished for the first 300 years after Christ. And afterwards the name of Altar and Table came to be promiseously used.” (*h*)

How used.

And Jeremy Taylor says, that “Altars were the places where the Christians always performed their most solemn devotions, and in cases of affliction went thither to impetrate God’s favour.” (*i*)

Made of stone
or wood.

In the earliest ages of Christianity, the Altars were indifferently either of Stone or Wood, they were of various forms, sometimes supported by one or two pillars, and sometimes by four. (*k*)

Decree of the
Church.

By a Decree of the Church, however, it was declared that they could only be made of the material of Stone, and that they were to be fixed and immoveable. (*k*)

Altars were
sometimes
portable.

Altars, however, might be portable, and therefore moveable, but only when the Bishop was on a journey from home, at a distance from the Church, and therefore in a state which made him incapable of otherwise duly performing the Rites and Ceremonies of Religion, and it was only under such circumstances, that this description of Altar was permitted by order of the Church, as an exception to the general rule. (*k*)

Assumed the
form of
Tombs.

It appears that either from the custom, during the early persecutions of the Church, of using the

(*h*) Wheatly on the Common Prayer, 226.

(*i*) Jeremy Taylor’s Works, vol. v. p. 329.

(*k*) See Faulkner *v.* Litchfield, 3 Eccl. & Mar. cases, 549, and the various authorities in that case cited.

Tombs of the Martyrs as Altars, or from the practice of placing relics there, the Altar came to assume the form of a Tomb, or of a Sepulchre of the Martyrs. (*m*)

At the time of the Reformation, the Altars in our Churches were made of Stone; that they were fixed and immoveable there can be little doubt, and they were generally of the form of the Tombs of the Martyrs. (*m*)

Their state at the Reformation.

At the beginning of the Reformation, Bishop Hooper preached a sermon, in the fourth year of the reign of Edward VI., in which he said, "that it would do well, that it might please the magistrate, to turn *Altars* into *Tables*, according to the first institution of Christ; to take away the false persuasion of the people, which they have of sacrifice to be done upon the Altars; for as long as *Altars* remain, both the ignorant people, and the ignorant and evil persuaded Priest, will always dream of *Sacrifice*." (*n*)

Bishop Hooper's opinion.

In this same year, however, Altars were directed to be removed from our Churches, in order to banish as far as possible all superstitious notions attached to the performance of the Rites of the Church, including the doctrine of Transubstantiation. (*m*)

Altars directed to be removed.

Thus, it appears from Cardwell's Documentary Annals, (*o*) that an Order in Council was issued to Bishop Ridley to take down all Altars, and to place Tables in their stead, and in November 1550, as appears from Burnet's History of the Reform-

By an Order in Council.

(*m*) See Faulkner *v.* Litchfield, 3 Eccl. & Mar. cases, 550.

(*n*) See Heylin's Antidot. Lincoln, p. 105.

(*o*) Cardw. Doc. Ann. 89.

ation, (*p*) letters were sent to every Bishop "to pluck down the Altars," and the High Sheriff of Essex had been sent down to see Bishop Ridley's Injunctions performed. (*q*)

In the Metropolitan Visitation Articles of Edmund, Archbishop of Canterbury in 1576; it is inquired, "whether in your Churches and Chapels all Altars be utterly taken down and clean removed, even unto the foundation, and the place where they stood paved, and the wall whereunto they joined, whited over and made uniform with the rest, so as no break or rupture appear." (*q*)

In 1552, the second Prayer Book of King Edward VI. was published, and the term Altar having been omitted, the word Table was used in its place. By the Royal Injunctions of Edward VI., "all Tables" had been ordered to be taken away out of the Churches, (*r*) and therefore the only Table which, as a matter of right, can be placed in a Church is the Communion Table, which is expressly mentioned in the Rubric of 1552.

In the year 1564, appeared what are called "Advertisements," and one of them (*s*) is to this effect:—"That the Parish provide a decent Table, standing on a frame, for the Communion Table;" (*t*) and in 1571 the Churchwardens were required, by a Canon, (*u*) that a Table made of wood, "*mensa*

Inquiry in
Visitation Ar-
ticles.

TABLE SUB-
STITUTED.

Provisions on
the subject.

(*p*) 2 Burnet's Hist. Reform.
p. 2, 30, quoting King Edward's
Journal.

(*q*) 1 Cardw. Doc. Ann. 398.

(*r*) Ibid. 17.

(*s*) 1 Cardw. Doc. Ann. 292.

(*t*) Faulkner v. Litchfield,
3 Eccl. & Mar. cases, 559.

(*u*) 1 Cardw. Synod. 123.

ex asseribus composite juncta," should be provided for the service of the Holy Communion. (*x*)

These provisions would appear to have been carried out, for in the 82nd Canon, headed, "A decent Communion Table in every Church," is the following recital, "Whereas, we have no doubt but that in all Churches within the Realm of England, convenient and decent Tables are provided and placed for the celebration of the Holy Communion." Recital in Canon of 1603.

In 1637, things stood in precisely the same state as they did in the times of Edward VI. and Queen Elizabeth; that is, there was a complete annihilation of the ancient structures, they were no longer immoveable, they were no longer of stone; they were of wood, and moveable. (*y*) State of things in 1637.

A Stone Communion Table which is not moveable is not a Communion Table within the intent and meaning of the present Rubric; and, looking at the Canons of 1603 and of 1571, and the Injunctions of Edward VI. and Queen Elizabeth, there is no doubt as to the meaning of the word; that the article was meant to be a Table in the popular sense of the word. (*z*) A Stone Communion Table.

The ground on which Stone Fonts are used, and Stone Communion Tables proscribed, is obvious. Altars were made of stone, and superstitious notions were connected with the substance of which they were composed, whereas such superstitious notions did not attach to the Font. To the former, superstition attached with relation to the material, and to Why prohibited. ✓

(*x*) *Faulkner v. Litchfield*,
3 *Eccl. & Mar. cases*, 563.

(*y*) *Ibid.* 574.

(*z*) *Ibid.* 581.

the latter, no superstition attached on that account. (a)

CREDENCE
TABLE.

The derivation of the word "Credence Table" is Italian, and it is said to mean, as Archbishop Laud calls it, a "Sideboard." (b)

Definition of
the word.

In Adelung's German Dictionary we have the following definition of the word:—"Credenzen, verb, reg. act. from the Italian 'credenzare,' to taste beforehand the meats and drink before they are offered to be enjoyed by another; an ancient Court practice, which was performed by the cupbearers and carvers, who for this reason were also called 'Credenzler.' Hence, also, the *Credenz-teller*, Credence-plate, on which the cupbearers *credenced* the wine; and, in general, a plate on which a person offers anything to another. The *Credenz-tische*, Credence-table, or sideboard, an artificial cupboard with a table, for the purpose of arranging in order and keeping the drinking apparatus thereon." (b)

A sort of Side
Table.

This may, perhaps, afford the best authority for the application of the term "Credence Table" to the side-table on which the elements were placed before consecration. But there is no mention of it amongst any of the articles which are to be provided by Churchwardens for the celebration of the Sacrament. (c)

Their intro-
duction into
our Churches.

There is no sufficient authority upon which to judge when Credence Tables were first introduced into Churches in England. It is clear, however, that they were in use at the time of Archbishop Laud,

(a) *Faulkner v. Litchfield*,
3 Eccl. & Mar. cases, 583.

(b) *Ibid.* 584.
(c) *Ibid.* 585.

and before his time, because he refers to this as one of the articles of accusation against him, and justifies himself by representing that this Table had been used by his predecessors, and, amongst others, by Bishop Andrews. (*d*)

The reasons assigned by Archbishop Laud for his use of it were—first, that the Communion Table itself was small, so that there was hardly room enough for the Elements to stand conveniently upon it; and in the next place, that he found it in use at the time he came there, and no exception had been taken. The Court considered that this was strong proof of his desire to introduce Popish rites and ceremonies, though he only persevered in the use of things used by some of his predecessors. (*d*)

Reasons assigned for their use.

In the Greek and Latin Churches, the Credence Table stood at the upper end of the Chancel, above the steps. The Altar, which is the greater, stood in the middle, between north and south; and the lesser, which is called the *Prothesis* (that is, a Table either of Proposition or Preparation), stood on the left side of it, and upon it stood the bread appointed to be consecrated, until it was offered on the Altar. (*e*)

Their position in the Greek and Latin Churches.

The Credence Table, though it may be in use in the Greek and Latin Churches, forms no part of the fittings-up or Ornaments of our Churches, and is not to be considered a Communion Table, or part of a Communion Table, in the proper meaning of the term. (*f*)

Form no part of our Churches.

(*d*) Faulkner v. Litchfield, 3 Eccl. & Mar. cases, 584.

cap. 8, p. 113.

(*e*) Antidot. Lincoln, sec. 2,

(*f*) Faulkner v. Litchfield,

3 Eccl. & Mar. cases, 587.

COMMUNION
TABLE
SHOULD BE
PLACED IN
CHANCEL.

The Communion Table should be placed in the Chancel; because the most convenient and decent place, for the more reverend and orderly receiving the Holy Communion, is in the Chancel of the Church. (*g*)

As the Great
Altar was for-
merly.

And the Great Altar, which formerly was erected to the Saint to whom the Church was dedicated, was always placed there, as in a more solemn part of the Church. (*h*) And no persons, under any circumstances, were allowed to approach it, but such as were in Holy Orders, unless it were the Greek Emperors at Constantinople, who were allowed to go up to it to make their offerings, but were immediately to return back again. (*i*)

The place
being thought
full of Angels.

And Jeremy Taylor says, "that the Catholike Fathers alwayes thought the Holy Sept, or the Altar place, to be full of angels." (*k*)

Demolition of
the Chancel.

And where a Church has been partially demolished, for the purpose of being rebuilt, Dr. Lushington says, "If the Altar has been taken down, there must be a re-consecration." (*l*) The learned Judge probably meant, that if so much of the Chancel be taken down as to make the removal of the Communion Table necessary, the Church must be reconsecrated.

Disputes about
placing Com-
munion Table.

After the Review of the Liturgy in the Reign of Queen Elizabeth, a dispute arose as to whether the Table placed in the room of the Altar ought to

(*g*) The Vicar-General's Report on Canon, A. D. 1663; 2 Cardw. Doc. Ann. 174.

(*h*) Lyndw. 252.

(*i*) Wheatly on the Common

Prayer, 74; Conc'l. Trull. can. 69, tom. vi. col. 1174 B.

(*k*) Jeremy Taylor's Works, vol. v. p. 331.

(*l*) Turner v. Rector of Hanwell, 1 Eccl. & Mar. cases, 368.

stand Altar-wise, that is, in the same place and situation in which the Altar formerly stood. The practice as to this varied, and we find that in some Churches the Tables were placed in the middle of the Chancels; in others, at the east end, next to the wall; sometimes endwise, and sometimes at length. (*m*)

By the Rubric, "The Table at the Communion time, having a fair linen cloth upon it, shall stand in the *Body of the Church*, or in the *Chancel*, where Morning and Evening Prayer are appointed to be said." And by Canon 82, it is at such time to be "placed in so good sort within the Church or Chancel, as thereby the Minister may be more conveniently heard of the Communicants, in his prayer and ministration; and the Communicants also more conveniently, and in more number, may communicate with the said Minister." (*n*)

Where it is to be placed at Communion time.

The placing of the Communion Table, however, is at all times left to the judgment of the Ordinary, to whom it properly belongs to give direction on that point; (*o*) and, being moveable, it is to be either in the Chancel or Body of the Church, as convenience requires, according to his discretion. (*p*)

The place is in the discretion of the Ordinary.

By Canon 82, the Communion Table "shall from time to time be kept and repaired in sufficient and seemly manner, and covered in time of Divine Service with a Carpet of Silk or other decent stuff, thought meet by the Ordinary of the place, if any

Cover for Communion Table.

(*m*) See Wheatly on the Common Prayer, 227.

(*o*) Order of Council, 1633; 2 Cardw. Doc. Ann. 185.

(*n*) Canon 82.

(*p*) See Faulkner v. Litchfield, 3 Eccl. & Mar. cases, 578.

question be made of it, and with a fair linen cloth at the time of the Ministration, as becometh that Table." All this is to be done at the charge of the Parish, and it is to be covered with such Carpet except when the Holy Communion is to be administered. (*q*)

Besides the *Fair White Linen Cloth* cover for the Table at the Communion time *A Fair Linen Cloth* must be provided to cover "what remaineth of the Consecrated Elements when all have communicated." (*r*)

Wheatly says, "The institution of it is ascribed to Eusebius, Bishop of Rome, who lived about the year 300. And that it was of common use in the Church in the fifth century is evident, from the testimony of Isodore Paleusiota, who also observes that the design of using it was to represent the body of our Saviour being wrapped in fine linen by Joseph of Arimathea." (*s*)

In the works of the ancient writers, and in the Scotch Liturgy (where this Rubric first appeared), it is called the *Corporal*, from its being spread over the Body or Consecrated Bread, (*t*) and sometimes also the *Pall*, (*u*) for the same reason. (*x*)

In every Church, certain articles of Communion Plate are required. Thus the Parishioners must find at their own charge, the Paten for the bread, the Chalice, or Cup, for the wine, and a Flagon with a Lid, which may be a clean and sweet standing

(*q*) Canon 82.

Pelleus, Ep. 123.

(*r*) See Rubric.

(*t*) Alcuin de Offic. Divin.

(*s*) Wheatly on the Common Prayer, 266; and see Gratian de Const. Dist. 2; and Isid.

(*u*) Rad. Tungr. de Can. Obs.

(*x*) Wheatly on the Common

Prayer, 266.

Cover for consecrated elements.

When first instituted.

Its different names.

THE COMMUNION PLATE.

Pot, or Stoop of Pewter, if not of purer metal, in which to bring the wine to the Communion Table, and more than one of these, if necessary. (*y*)

Mr. Barr, in his Book on Anglican Church Architecture, says, "The Sacramental Plate, consisting of a Flagon and Chalice for the wine, and a Paten for the bread, ought to be of silver or gold, and never of any inferior metal." (*z*) The material, however, must depend upon the circumstances of the Parishioners. For we have seen, by Canon 82, that there may be a clean and sweet standing Pot, or Stoop of Pewter.

Of what material.

Thus the Homily against the Peril of Idolatry says, "St Jerome commendeth Exuperius, Bishop of Tolose, that he carried the Sacrament of the Lord's Body in a wicker basket, and the Sacrament of his Blood in a glass, and so cast covetousness out of the Church; and Bonifacius, Bishop and Martyr, as is recorded in the Decrees, testifieth, that in old time the ministers used wooden, and not golden vessels. (*a*) And Zephirinus, the sixteenth Bishop of Rome, made a Decree that they should use vessels of glass."

Homily on the subject.

It appears that in the reign of James II., Archbishop Bancroft, at the request of Mr. Kettlewell, consecrated some Communion Plate for the Church of Coleshill, of which the latter was Vicar. The Prayer used on the occasion is preserved, and this, and the

Consecration of it.

(*y*) See Rubric; Lyndw. 252; Architecture, 65.

Canon 20; Ayliffe's Parerg. 304.

(*a*) Tit. de consecra, Can. Tri-

(*z*) Barr's Anglican Church burien.

Service (*b*) used by Patrick, Bishop of Ely, in 1704, on the consecration of Catherine Hall Chapel, Cambridge, are the only Forms which appear to have been used on such occasions. (*c*)

Display of it.

With regard to the display of the Communion Plate on the Table, at times when the Holy Communion is not celebrated, the Bishop of Exeter says, "The display of the Sacramental Plate on the Lord's Table, a display which is made almost in every Church where the Plate is worthy of being displayed, is a harmless and in my opinion a seemly usage, to decorate the Table of the Lord, and to testify men's wish to honour God's Service with the choicest of his substance." (*d*)

THE BREAD
AND WINE.

"The Bread and Wine for the Communion shall be provided by the Curate and the Churchwardens at the charge of the Parish." (*e*)

How to be
provided.

"The Churchwardens of every Parish, against the time of every Communion, shall, at the charge of the Parish, with the advice and direction of the Minister, provide a sufficient quantity of fine white

(*b*) See Sermon preached by John Long, B.D., at the consecration of Catherine Hall Chapel, Cambridge, in 1704; Kettlewell's Life, 137, 138.

(*c*) "Most blessed God, accept, we beseech thee, of the oblation we make unto thee of these vessels, which we humbly dedicate to thy service at thy holy Table; and as we now wholly give them up to thy use in the ministration of the Holy Communion of Christ's body and

blood, so we pray thee to receive them for thine own; preserve them from being in any way profaned; and being here set apart and consecrated by our office and ministry to thy service, let them always continue to be so employed, through Jesus Christ our only Lord and Saviour. Amen."

(*d*) Bishop of Exeter's Letter, June 30, 1843.

(*e*) Rubric.

Bread, and of good and wholesome Wine, for the number of Communicants that shall from time to time receive there, which Wine we require to be brought to the Communion Table in a clean and sweet standing Pot, or Stoop of Pewter, if not of purer metal." (f)

"And to take away all occasion of dissension and superstition which any person hath or might have concerning the Bread and Wine, it shall suffice that the Bread be such as is usual to be eaten; but the best and purest wheat Bread that conveniently may be gotten." (g)

Bread such as is usually eaten.

"If any of the Bread and Wine remain unconsecrated, the Curate shall have it to his own use; but if any remain of that which was consecrated, it shall not be carried out of the Church, but the Priest, and such other of the Communicants as he shall then call unto him, shall, immediately after the Blessing, reverently eat and drink the same." (g)

Remains of the Bread and Wine.

The *Piscina*, or *Lavacrum*, immediately adjoined the *Sedilia*, (h) and usually occupied a niche a little further East. It appears that the introduction of the *Piscina* into our Churches was gradual, Durandus being the earliest writer who alludes to it. And Mr. Bloxam gives his opinion as follows: "We find very few Norman *Piscinæ*, I mean such as are coeval with the twelfth century. I have, however, met with *Piscinæ* of the thirteenth century, after insertions in walls of Norman construction. This latter fact, I think, tends to prove that *Piscinæ* did

The *Piscina*.

(f) Canon 20.

(h) As to the *Sedilia*, see

(g) Rubric.

Post. 31.

not generally prevail as appendages to Altars earlier than the thirteenth century." (i)

Used for what purpose.

They appear to have been used for a double purpose, namely, "for the reception of the water after the ablution of hands at the Sacrament, a rite of earliest antiquity in the Church; and secondly, for the water with which the Chalice was rinsed after the Communion, and also for the Sacramental elements themselves, in case they had become by any means defiled." (k)

Inapplicable to our Communion Service.

To our Communion Service, however, the *Piscina* is entirely inapplicable, and Mr. Poole, in his work on Church Architecture, speaks of the water drain of the ancient *Piscina*, "for which," says he, "there is, and can be, no use consistent with our present Liturgy." (l)

The Osculum Pacis.

During the celebration of the Mass, after the priest had consecrated the wafer, and spoken these words, "*Pax Domini vobiscum*," the people kissed each other; and this was called the *Osculum pacis*.

The Pacem.

Instead of this custom another was introduced, that whilst the Priest spoke these words, the deacon or sub-deacon offered the people an Image to kiss, which was commonly called the *Pacem*. Thus it appears in Matt. Paris, A. D. 1100, "*Rogem Duxerunt ad offerendum et iterum reduxerunt ad Pacem*." (m)

The Osculatory.

So also the Priest kissed the Osculatory, which was a Tablet or Board, with a picture of Christ, the blessed Virgin, or the like, and then gave it to the

(i) See Poole on Church Architecture, 153.

Church Architecture, 154.

(k) See Mr. Bloxam's opinion on this subject, cited, in Poole on

(l) See Poole on Church Architecture, 156.

(m) Cowell Edit. 1727.

people for the same purpose, after the consecration was performed. (n)

The Offertory was anciently an oblation for the use of the Priest, but at the Reformation it was changed into Alms for the poor. (o)

THE OFFERTORY.

The Alms received during the reading of the Offertory before the Communion, are specially directed by the Rubric to be collected "in a decent Basin, to be provided by the Parish."

Alms to be collected in a decent Basin.

"While the sentences are reading at the beginning of the Communion Service, the Deacons, Churchwardens, or other fit persons appointed for that purpose, shall receive the Alms for the Poor, and other devotions of the people, in a decent Basin, to be provided by the Parish for that purpose." (p)

Who shall collect them.

"After the Divine Service is ended, the money given at the Offertory shall be disposed to such pious and charitable uses as the Minister and Churchwardens shall think fit; wherein if they disagree, it shall be disposed of as the Ordinary shall appoint." (p)

How the money is to be disposed.

Therefore alms collected in Chapels, as well as in Parish Churches, during the reading of the Offertory, are at the disposal of the Incumbent of the Parish and the Churchwardens, and not of the Minister or Proprietors of the Chapel. (q)

When collected in Chapels.

"The Churchwardens shall provide and have a strong Chest, with a hole in the upper part thereof, to be provided at the charge of the Parish (if there

The Strong Chest.

(n) Johns.

(p) Rubric.

(o) Ayliffe's Parerg. 394.

(q) Moysey v. Hillecut, 2

Hay, 56.

be none such already provided), having three Keys, of which one shall remain in the custody of the Parson, Vicar, or Curate, and the other two in the custody of the Churchwardens for the time being; which Chest they shall set and fasten in the most convenient place, to the intent the Parishioners may put in their Alms for their poor neighbours." (g)

Poor Money to be kept in it.

It was enacted by 27 Henry VIII., that money collected for the Poor should be kept in the common Coffe or Box, standing in the Church of every Parish. (r)

Clergymen to exhort people to give.

"And the Parson, Vicar, or Curate shall diligently, from time to time, and especially when men make their testaments, call upon, exhort, and move their neighbours to confer and give, as they may well spare, to the said Chest; declaring unto them that whereas heretofore they have been diligent to bestow much substance otherwise than God commanded, now they ought to be much more ready to help the poor and needy, knowing that to relieve the poor is a sacrifice which pleaseth God; and that also whatsoever is given for their comfort is given to Christ himself, and is so accepted of him, that he will mercifully reward the same." (g)

How to be distributed.

"The which Alms and devotion of the people, the keepers of the keys shall yearly, quarterly, or oftener (as need requireth), take out of the Chest and distribute the same in the presence of most of the Parish, or of six of the chief of them, to be truly and faithfully delivered to their most poor and needy neighbours." (g)

The *Sedilia* are usually niches with Stone Seats, varying in number from one to five, and placed in the wall on the South side of the Chancel. Mr. Poole says, that they “are provided for the Clergymen assisting at the Holy Eucharist, as the Chair at the North side is for the consecrating Priest.” (s)

The Sedilia.

The present practice, however, is to have Chairs at the Communion Table. And Mr. Barr says, that “the Seats for the Clergymen may be rendered very ornamental, by appropriate carving.” (t)

Chairs at the Communion Table.

The Reading Desk was not known in our Churches during the early years of the Reformation. It is not mentioned in the Injunctions of King Edward VI., nor in those of Queen Elizabeth, nor in any Canons or Visitation Articles before the Canon of 1603, (u) and there it is called a Seat. (x)

THE READING DESK.

The first Rubric in the second Prayer Book of King Edward VI. ordered that the Minister do turn him in reading Prayers, as that the people may best hear him. And in case of any controversy, the matter was to be referred to the Ordinary, and he or his Deputy was to appoint the Place. (y)

Directions in the Second Prayer Book.

It appears that, in consequence of this, great contentions arose, some kneeling one way, and some another, though still keeping in the Chancel; while others left the accustomed place, and performed all the services in the Body of the Church among the people. (z)

Great contentions in consequence.

(s) Poole on Church Architecture, 152.

(t) Barr on Anglican Church Architecture, 42.

(u) See Bishop of London's Charge, October, 1842.

(x) Canon 82.

(y) Rubric before the beginning of Morning Prayer, in Second Prayer Book of Edw. VI.

(z) Wheatly on the Common Prayer, 93.

Alteration on
the accession
of Queen
Elizabeth.

On the accession of Queen Elizabeth, the Rubric was altered to the form in which it now stands, namely, "That the Morning and Evening Prayer shall be used in the accustomed place of the Church, Chapel, or Chancel."

Reading Desks
allowed.

It appears that, in consequence of the difficulty of being heard distinctly from the Chancel, the practice became universal of having, by License of the Ordinary, Desks or Reading Pews in the Body of the Church (*a*)

To be provided
by Parish.

Thus by Canon 82 it is provided that "a convenient Seat" be made at the charge of the Parish, for the Minister to read Service in.

Inquiry in
Visitation
Articles.

In Archbishop Bancroft's Visitation Articles of 1605, it is inquired, "Whether have you a convenient Seat for your Minister to read Service in;" (*b*) and the same inquiry is made in Archbishop Abbot's Visitation Articles of 1616. (*c*)

Order as to
place.

And in Bishop Wren's Directions, given in the Diocese of Norwich in A.D. 1636, it is ordered "That the Minister's Reading Desk do not stand with the back towards the Chancel, nor too remote or far from it," (*d*) and this shews that, in that Diocese, the Reading Desk must have been placed in the Body of the Church.

What is a con-
venient ar-
rangement.

An arrangement is now adopted in several Churches, which the Bishop of London considers to be very convenient. The Reading Desk is placed near the East end of the Church, and the Clergyman looks towards the South while reading

(*a*) See Wheatly on the Common Prayer, 93.

(*c*) Ibid. 163.

(*b*) 1 Cardw. Doc. Ann. 110.

(*d*) 2 Cardw. Doc. Ann. 257.

Prayers, and towards the West while reading the Lessons. (*e*)

Wheatly states that it is customary in some Parish Churches for the Reading Pews to have two Desks, (*f*) one for the Bible, looking towards the body of the Church to the people; another for the Prayer Book, looking towards the East, or upper end of the Chancel. (*g*)

Reading Pew,
with two Desks.

And in other Churches, the place for reading the Lessons is a sort of stand or moveable Desk, called the Lectern (*Lecturnium*). Thus in the statutes of St. Paul's, London, it is said, "*Tunc major presbyter redeat ad lecturnium, incepturus quod incumbit,*" &c. (*h*)

The Lectern.

It is said that, previously to the great Rebellion, most village Churches possessed their own Eagle Desk or Lectern, whence the Lessons were read to the people. In some instances they were made of brass, in others of wood; and Eagles were usually adopted, as symbolizing the angel flying through the midst of heaven, "having the everlasting Gospel to preach." (*i*)

Eagle Desks.

They have, however, almost entirely disappeared; and of those in existence, few are now used. Thus in the accounts of Trinity College, Cambridge, from 1580 to 1710, among the extraordinaries, there appears a distinct payment to different servants for "skowering," or "looking after, the brassen deske";

Seldom used.

(*e*) See Bishop of London's Charge, October 1842.

(*f*) In the Church of Drayton, Beauchamp, Bucks, there are still two Desks in the Reading Pew. See Gloss. Arch.

(*g*) Wheatly on the Common

Prayer, 121; See Sparrow's Rationale on the Book of Common Prayer.

(*h*) Statuta Eccl. Paul. Lond. MSS. fol. 44.

(*i*) 1 Ecclesiologist, 173; Rev. xiv. 6.

from 1711 to 1722, the item is for "cleaning the chapell deske"; but since the last date these items have disappeared, and nothing is now known of the existence of this "brassen deske." (*k*)

The Falled Stool.

It is said by a recent writer, that, "in strictness, the Churchwardens ought to provide a low Desk, anciently called the *Falled Stool*, to be placed in the midst of the Church, before the Chancel door, at which the Litany is to be said or sung." (*l*)

Wheatly's opinion.

Wheatly also is of the same opinion, and says, "The word Litany, as it is explained by our present Liturgy, signifies a general supplication. Such was the fifty-first Psalm, which may be called David's Litany. Such was the Litany of God's appointing in Joel, (*m*) where, in general assembly, the Priests were to weep between the *Porch* and the *Altar*, and to say, *Spare thy people, O Lord*: in allusion to which place, our Litany, retaining also the same words, is enjoined, by the Royal Injunctions still in force, (*n*) to be said or sung in the *midst* of the Church, at a low Desk, before the Chancel door, anciently called the *Falled Stool*." (*o*)

The Royal Injunctions.

On referring to these Injunctions, (*p*) none of which however have now the authority of Parlia-

(*k*) An Eagle Desk was, in 1840, put up in the Chapel of St. John's College, Cambridge.

And there is now in the Great Exhibition a very beautiful brass one, which has been made by Cottingham for Hereford Cathedral.

(*l*) Prideaux's Duties of Churchwardens, 44.

(*m*) Joel ii. 17.

(*n*) Injunctions of Edw. VI. and of Queen Elizabeth, A.D. 1559, Sparrow's Collect. 8, 72.

(*o*) Wheatly on the Common Prayer, 140; and see Barr's Anglican Church Architecture, 60; Poole on Church Architecture, 132.

(*p*) 1 Cardw. Doc. Ann. 15, 219.

ment, we find the following directions given in those of Queen Elizabeth, (*q*)—"Immediately before the time of commencing of the Sacrament, (*r*) the Priests, with others of the Quire, shall kneel in the midst of the Church, and sing or say, plainly and distinctly, the Litany which is set forth in English, with all the suffrages following, to the intent the people may hear and answer; and in Cathedral or Collegiate Churches the same shall be done in such places, and in such sort, as our Commissioners in our visitation shall appoint."

The Master of the Temple, in his Pamphlet, (*s*) says, "*Fald Stools*, also, and small Desks for the officiating Clergyman to stand and kneel before, seem not quite consistent with the 82nd Canon, which appoints that in all Churches *a convenient Seat* shall be made for the Minister to read Service in."

Opinion of the Master of the Temple.

In our Prayer Book, nothing is stated as to the place where the Litany is to be sung or said; and therefore the Minister, if any doubts arise in practice, must apply to the Bishop of the Diocese, who will use his discretion, and probably order the accustomed place to be continued.

Place for reading the Litany.

In most of Churches there is a Seat below the Reading Desk, from which the Parish Clerk, usually an illiterate man, in a slovenly manner, reads the Responses. This custom, which had its origin when the Clerk, as his name imports, was a literate man,

The Clerk's Desk.

(*q*) 1 Cardw. Doc. Ann. 219.

(*r*) Called "High Mass" in the Injunctions of Edward VI.; see 1 Cardw. Doc. Ann. 15.

(*s*) Rubrics and Canons of the Church of England, considered by Christopher Benson, M.A., Master of the Temple.

and the common people were unable to read, is now gradually going out of fashion. And Mr. Poole, in his work on Church Architecture, says, "As for the Clerk's Desk, as it is ordinarily called, it is, in almost all cases, a mere encumbrance, of no earthly use, and without any sufficient apology." (*t*)

THE PULPIT.

Formerly the Bishops preached standing upon the steps of the Altar; but it was afterwards found more convenient to have Pulpits erected for that purpose. (*u*)

Ordered for preaching.

Thus, in the Royal Injunctions of Edward VI., the Churchwardens are ordered to provide, at the expense of the Parishioners of every Church, "a comely and honest Pulpit, to be set in a convenient place within the same, for the preaching of God's word." (*x*)

Also used for other purposes.

It appears that the Pulpit was also used for other purposes. Thus it was further ordered, that "In the time of High Mass within every Church, he that saith or singeth the same shall read or cause to be read the Epistle and Gospel of that Mass in English, and not in Latin, in the Pulpit or in such convenient place as the people may hear the same. And also every Sunday and Holy-day, they shall plainly and distinctly read, or cause to be read, one chapter of the New Testament, in English, in the said place, at Mattins, immediately after the Lessons; and at Even Song, after *Magnificat*, one chapter of the Old Testament." (*y*)

Inquiry in Visitation Articles.

And in Cranmer's Visitation Articles of 1547 it is

(*t*) Poole's Church Architecture, 134.

(*x*) 1 Cardw. Doc. Ann. 17.

(*y*) Ibid. 14.

(*u*) Ayliffe's Parerg. 21.

inquired, Whether the Epistle and Gospel be read “either in the Pulpit or some other meet place, so as the people may hear the same.” (z) In the same Articles it is also inquired, “Whether they have not, every Holy-day, when they have no Sermon, immediately after the Gospel, openly, plainly, and distinctly, recited to the Parishioners in the Pulpit the *Pater Noster*, the Creed, and the Ten Commandments, in English.” (a) In the Visitation Articles of Archbishop Parker in 1569, and of Archbishop Grindal in 1576, it is inquired if there be “a convenient Pulpit well placed.” (b)

By Canon 83, “The Churchwardens or Questmen shall provide in every Church, at the common charge of the Parishioners, a comely and decent Pulpit, to be set in a convenient place within the same, by the discretion of the Ordinary of the place if any question do arise, and to be there seemly kept for the preaching of God’s word.” (c)

Directions of
Canon 83.

In the Visitation Articles of Archbishop Bancroft in 1605, and of Archbishop Abbot in 1616, it is inquired, Whether there be “a comely Pulpit set up in a convenient place, with a decent Cloth or Cushion for the same.” (d)

A Cloth and
Cushion.

The Pulpit is exclusively the right of the Parson of the Parish, and the Churchwardens are punishable if they shut the door against him, and his consent is necessary to a stranger preaching. (e)

Parson has
exclusive right
to Pulpit.

(z) 1 Cardw. Doc. Ann. 54.

(a) Ibid. 51.

(b) Ibid. 355, 397.

(c) Canon 83.

(d) 1 Cardw. Doc. Ann. 110,

(e) Churchwardens of St. Bartholomew’s Case, 3 Salk. 87 ; 12 Mod. 433 ; and by Canon 52, a Book is ordered to be kept in every Church, to enter the names of strange Preachers.

THE BELLS
AND ROPES.

The Parishioners, at their own charge, shall find Bells, with Ropes. There must be a Bell to ring to Church, and another to toll at Funerals; but that is all. (*f*) And these are as necessary as the Steeple, which is said to be of no use without them. (*g*)

The Passing
Bell.

It is directed by Canon 67, that "when any is passing out of this life a Bell shall be tolled, and the Minister shall not then be slack to do his last duty."

The Death
Bell.

The Passing Bell, however, is now generally disused, and only the "one short peal" continued, which the same Canon orders to be rung *after* the party's death. There is also, "one other before the Burial, and one other after the Burial." (*h*)

Certain ringing
forbid by the
Royal Injunctions.

In the Royal Injunctions of King Edward VI. and Queen Elizabeth, "all ringing and knolling of Bells is forbidden at any time during Service, except one Bell in convenient time to be rung or knolled before Sermon." (*i*)

Directions in
Visitation
Articles.

So also in Archbishop Grindal's Visitation Articles of 1576, the Bells are permitted to be rung "to Common Prayers," "one Bell in convenient time to be rung or tolled before the Sermon," and at a Funeral "one short peal before the Burial, and the short peal after the Burial." (*k*) And by Bishop Wren's Visitation Articles of 1636, it is ordered, "That there be no difference of ringing to Church, when there is a Sermon, more than when there is none, excepting the knells for Funerals." (*l*)

(*f*) Lyndw. 252; Pearce *v.* mon Prayer, 392.

Rector of Clapham, 3 Hag. 16. (*i*) 1 Cardw. Doc. Ann. 15,

(*g*) Woodward *v.* Makepeace, 219.

1 Salk. 164. (*k*) Ibid. 1576.

(*h*) See Wheatly on the Com- (*l*) 2 Cardw. Doc. Ann. 258.

The Churchwardens ought to keep the Keys of the Belfry, and take care the Bells are not rung "without good cause, to be allowed by the Minister of the place, and by themselves." (*m*)

Control of the Bells.

A Ring of Bells is found in many of our Churches, and cannot be provided for without considerable expense, as for Ropes, Tuning, &c. The Parishioners may be willing at one time to take upon themselves such expenses, and at another time refuse, for the Ordinary cannot compel them to keep the Bells in order, merely because they happen to be in the Steeple. (*n*)

Repair of Bells.

If at any time the Minister and Churchwardens shall think fit to give leave to persons to ring the Bells for recreation, it would only be just to require such parties to pay, to the use of the Parish, compensation for the probable wear of the Bells, Bell-wheels, and Bell-ropes, and the damage which may be done on such occasions. (*o*)

Ringin^g for Recreation.

A Bier for the dead is required in every Church, and this the Parishioners must find at their own charge. (*p*)

Bier for the dead.

By the Statute 3 & 4 Edward VI., "All books called Antiphoners, Missals, Grailes, Processionals, Manuals, Legends, Pies, Portuasses, Primers in Latin or English, Couchers, Journals, Ordinals, or other books whatsoever heretofore used for Service of the Church," were forbidden to be kept or used in this Realm. And Popish Books were to be delivered to the Mayor, Bailiff, Constable, or Church-

POPISH BOOKS.

(*m*) Canon 88.

Hag. 16.

(*n*) Per Sir William Wynne,
Pearce v. Rector of Clapham, 3

(*o*) Prid. 160.

(*p*) Lyndw. 252.

wardens, and then by them to the Archbishop, Bishop, Chancellor, or Commissary, to be defaced or destroyed. (*q*)

The Antiphoner.

The Antiphoner, derived from *avti*, *contra*, and *φωνη*, *sonus*, was so called from the alternate repetition of the Psalm; one part thereof being sung by one part of the Choir, and the other part thereof by the other part of the Choir. It contained not only the *Antiphonæ*, as the word barely signifies, but also the Invitatories, Hymns, Responsories, Verses, Collects, and whatever was said or sung in the Choir, called the Seven Hours, or Breviary, except the Lessons. (*r*)

The Missal.

The Missal was the Book which contained all things pertaining to the saying of the Mass. (*r*)

The Grail.

The Grail, *Gradale*, strictly taken, signifies that which was sung *gradatim*, after the Epistle; but it is to be understood as the whole Book, which contained everything to be sung by the Choir at High Mass; and also the Tracts, Sequences, Hallelujahs, the Creed, Offertory, Trisagium, &c., and also the Office for sprinkling the Holy Water. (*r*)

The Troper.

The Troper contained the Sequences only, which were not in all Grails. The Sequences were devotions used after the Epistle.

The Manual.

The Manual, so called *a manu*, as being required to be constantly at hand, seems to have been the same as the Ritual, and contained all things belonging to the ministration of the Sacraments and Sacramentals; also the blessing of Fonts and other

(*q*) 3 & 4 Edward VI. cap. 10, Ann. 86, 299, 399.
 ss. 1, 2; and see 1 Cardw. Doc. (*r*) Lyndw. 251.

things by the use of the Church requiring benediction, and the whole Service used at Processions. (s)

The Legend was a book containing Lessons to be read in the public Service, taken out of the Holy Scripture, the lives of Saints, the writings of the ancient Fathers, and other Doctors of the Church. (s) The Legend.

The Ordinal was the book which *ordered* the manner of performing Divine Service; and seems to have been the same which was called the *Pie*, or *Portuis*, or *Portuass*, and sometimes *Portiforum*. (t) The Ordinal.

But before the Statute which ordered these Books to be defaced or destroyed, one Book of the Bible of the largest volume was directed, by the second of Lord Cromwell's Injunctions, under King Henry VIII., to be provided in each Church; and in the 33rd year of the same reign, it was enforced by proclamation and a penalty of 40s. A similar order for this, and also for the Paraphrases of Erasmus on the Gospels, was given in the Injunctions of Edward VI., and continued in those of Queen Elizabeth, and (together with the Book of Homilies) in the Canons of 1571. (u) DIRECTIONS
TO PROVIDE
THE BIBLE.

It is provided by Canon 80, that "if any Parishes be yet unfurnished of the Bible of the *largest volume*, the Churchwardens shall, within convenient time, provide the same at the charge of the Parish." (x) Of the largest
Volume.

What Bible is here meant by that of the *largest volume* is not very clear. The translation of King James I. was not then made. Queen Elizabeth's Bible was called the *Bishop's Bible*, and the transla- What is meant.

(s) Lyndw. 251.

(u) See Gibs. Cod. 202; 1

(t) Ibid.; and see Johns. Cardw. Doc. Ann. 9, 214.

(x) See Gibs. Cod. 202.

Winch.

tions and reviews commonly called the *Great Bible*, were those of Tindal and Coverdale in the reign of Henry VIII., and that which was published by direction of Archbishop Cranmer, in the reign of Edward VI. (*y*) It seems probable, however, that the term *Bible of the largest volume* was merely intended to mean, a *Bible of the largest size*.

THE VARIOUS
PRAYER
BOOKS.

The first Book of Common Prayer was compiled in the reign of King Edward VI., and was confirmed by Parliament in 1548. (*z*) Soon afterwards it was submitted to the censure of Bucer and Martyr, upon whose exceptions it was reviewed and altered, and then again confirmed by Parliament in 1552. Both this and the former Act of 1548 were repealed in the first year of the reign of Queen Mary, who was resolved to reintroduce the Romish superstition. On the accession, however, of Queen Elizabeth, the Act of repeal was removed, and the second Prayer Book of Edward VI. was again established. (*a*) Some alterations were made in it, in the reign of King James I. But the whole Book, after the Restoration of King Charles II., was again reviewed by both Houses of Convocation, in 1661, and confirmed by Parliament the following year. (*b*)

The present
Prayer Book
to be provided.

It was enacted in the reign of Charles II., that the present Book of Common Prayer shall, at the cost of the Parishioners of every Parish Church and Chapelry, Cathedral Church, College, and Hall, be provided before the Feast of St. Bartholomew 1662,

(*y*) Gibs. Cod. 202.

(*z*) 2 & 3 Edw. VI. cap. 1.

(*a*) See 1 Eliz. cap. 2, s. 19.

(*b*) See Wheatly on the Common Prayer, 21, 23, 24, 26.

on pain of forfeiture of three pounds a month, for so long a time as they shall be unprovided thereof. (*c*)

It was also ordered that a Welsh translation be made, and a copy in each language be placed in every Church in Wales, where the people were to be allowed, at all convenient times, to resort and read. (*d*)

Translation to be placed in Welsh Churches.

Two copies of this Act of Parliament, and the Book of Common Prayer, under the Great Seal of England, were ordered to be kept by the Deans and Chapters of every Cathedral or Collegiate Church in England and Wales, and also among the Records of the Courts of Westminster and the Tower of London; to be available for various purposes. (*e*)

Copies of it to be kept.

The Homilies are certain plain Sermons set out by public authority, one of which is to be read every Sunday or Holy-day when there is no Sermon. (*f*)

THE HOMILIES.

They are in two Books, and the first volume was published in the beginning of the reign of King Edward VI. (*g*), and is thought to have been composed by Archbishop Cranmer, and Bishops Ridley and Latimer, at the beginning of the Reformation, when a sufficient number of Ministers competent to preach in public congregations was not to be found. The second volume was published in Queen Elizabeth's reign, in 1563, by order of Convocation. (*g*)

In two Books.

And by Canon 80, "If any Parishes be yet

Are to be provided.

(*c*) 13 & 14 Car. II. cap. 4, s. 26.

(*d*) Ibid. s. 27.

(*e*) Ibid. s. 28.

(*f*) See Wheatly on the Common Prayer, 234.

(*g*) They are mentioned in the Royal Injunctions of that reign A D. 1547, 1 Cardw. Doc. Ann. 20.

unfurnished of the Books of Homilies allowed by authority, the Churchwardens shall within convenient time provide the same at the charge of the Parish."

The Ten Commandments.

It is also ordered that "The Ten Commandments shall be set up at the charge of the Parish, upon the East end of every Church and Chapel, where the people may best read and see the same." (*h*)

Chosen Sentences.

"And other chosen sentences shall at the like charge, be written upon the walls of the said Churches and Chapels, in places convenient." (*h*)

Table of Degrees.

The Table of Degrees of Marriage prohibited, "shall be in every Church publicly set up, and fixed at the charge of the Parish." (*i*)

BOOK FOR BURIALS AND CHRISTENINGS.

The Church Book for Burials and Christenings was begun to be kept in the 30th year of the reign of King Henry VIII., at the instance of Lord Cromwell. (*k*)

The Parish Register.

And it is ordered by Canon 70, that, "in every Parish Church and Chapel within this Realm, shall be provided one Parchment Book at the charge of the Parish, wherein shall be written the day and year of every Christening, Wedding, and Burial," within the Parish, "and for the safe keeping thereof, the Churchwardens, at the charge of the Parish, shall provide one sure Coffer, with three locks and keys, whereof the one to remain with the Minister, and the other two with the Churchwardens severally." (*l*)

(*h*) Canon 82.

(*i*) Ibid. 99.

(*k*) See under Title "Church

and Churchwardens," 3 Salk. 85; Noy. 145.

(*l*) Canon 70, and see the directions there given.

Registers of public and private Baptisms, Marriages, and Burials, solemnised according to the rites of the Established Church, are to be made and kept by the Rector, Vicar, Curate, or officiating Minister of every Parish or Chapelry where those ceremonies may be performed, "in Books of Parchment, or of good and durable paper, to be provided by his Majesty's Printer as occasion may require, at the expense of the respective Parishes or Chapelries," and these are to be printed, numbered, and arranged as the Act specifically directs. (*m*)

Register of Baptisms, Marriages, and Burials.

Each Register is to be kept in a separate Book, (*n*) and it was ordered that immediately after the passing of the Act, the King's Printer was to transmit to each Parish a printed copy of the Act and Register Books, adapted to the forms therein prescribed. (*o*)

A separate Book for each.

In these several Books the various entries are to be made, and it is enacted that these, "and all Register Books heretofore in use, shall be deemed to belong to every such Parish or Chapelry respectively, and shall be kept by, and remain in, the power and custody of the Rector, Vicar, Curate, or other officiating Minister of each respective Parish or Chapelry as aforesaid, and shall be by him safely and securely kept in a dry, well painted iron chest, to be provided and repaired as occasion may require, at the expense of the Parish or Chapelry, and which said Chest, containing the said Books, shall be constantly kept locked in some dry, safe, and secure place within the usual place of residence of such

Where to be kept.

(*m*) 52 Geo. III. cap. 146, s. 1.

(*o*) Ibid. s. 2.

(*n*) Ibid. s. 3.

Rector, Vicar, Curate, or other officiating Minister (if resident within the Parish or Chapelry), or in the Parish Church or Chapel. (*p*)

And these Books are not to be taken out of this Chest, at any time or for any cause whatever, except for the purpose of making certain entries, or for the inspection of persons desirous of making a search or obtaining copies from them, or to be produced as evidence in some Court of Law or Equity, or to be inspected as to their state, or for some of the purposes of the Act. After which the Books are immediately again to be deposited in the Chest. (*p*)

“The Churchwardens and Chapelwardens of Churches and Chapels wherein Marriages are solemnized, shall provide a proper Book of substantial Paper, marked and ruled respectively in manner directed for the Register Book of Marriages, and the Banns shall be published from the said Register Book of Banns by the officiating Minister, and not from loose papers; and, after publication, shall be signed by the officiating Minister, or by some person under his direction.” (*q*)

A printed Copy of the *Marriage Act*, 4 Geo. IV. cap. 6, transmitted to the Minister after the passing of the Act, is to be kept with the Book containing the Marriage Register of such Parish or Chapelry, in the Chest or Box provided for the custody of the same. (*r*)

It may be convenient to keep in the Church

(*p*) 52 Geo. III. cap. 146, s. 5.

(*r*) Ibid. s. 32.

(*q*) 4 Geo. IV. cap. 76, s. 6.

When they
may be
removed.

Register Book
of Banns.

Copy of
Marriage Act.

Terriers.

Chest an exemplified copy of the Terrier of Glebes—Lands, &c., required by Canon 87. (*s*)

“That the Bishop may understand (if occasion so require) what Sermons are made in every Church of his Diocese, and who presume to preach without License, the Churchwardens and Sidemen shall see that the Names of all Preachers, which come to their Church from any other place, be noted in a Book, which they shall have ready for that purpose; wherein every Preacher shall subscribe his Name, the Day when he preached, and the Name of the Bishop of whom he had License to preach.” (*t*)

Book to enter Names of Preachers.

The Vestures used in the Church in old time were plain and simple, and there was nothing costly. (*u*)

VESTURES FORMERLY PLAIN.

But when Popery began to prevail, a great change was made, and Rabanus (*x*) declares, at considerable length, that the costly and manifold furniture of Vestments afterwards used in the Church, was “fetched from the Jewish usages, and agreeth with Aaron’s apparelling altogether.” (*u*)

Change made when Popery began to prevail.

We shall now consider the different Vestures in our Church, which “shall be retained and be in use,” and they are such “Ornaments of the Ministers thereof, at all times of their ministration, as were in this Church of England, by the authority of Parliament, in the second year of the reign of King Edward VI.” (*y*)

Vestures to be used in our Church.

The word Surplice is derived from the Latin word *superpelliceum*, and, according to Durandus, is so

THE SURPLICE.

- (*s*) God. Append. 12; Burns’s Eccl. Law, tit. “Terrier.” Peril of Idolatry.”
 (*t*) Canon 52. (*x*) Lib. 1, Inst. cap. 14.
 (*u*) Homily, “Sermon against (*y*) Note to the Order for Morning and Evening Prayer.

called because this garment was anciently put *super tunicas pellicas de pellibus mortuorum animalium factas*; that is, it was an emblem of innocence put over that which symbolically represented the offence of our first parents. (z)

Is to be white.

The Surplice is to be *white*, and in Scripture we find that, whenever angels have appeared to men, they have always been clothed in *white apparel*. (a) The Ancient of Days is represented as having a "garment *white as snow*." (b) And on that great and glorious occasion in which our Blessed Saviour was transfigured, the Evangelist states, that "His raiment was *white as the light*." (c)

And made of Linen.

It is to be made of Linen; and we find that the Levites who were singers were "arrayed in *white Linen*." (d) And in the Apocalypse it is stated, that the armies which followed the Lamb were "clothed in *fine Linen*," (e) and the Lamb's wife was to be "arrayed in *fine linen, clean and white*; for the fine linen is the righteousness of saints." (f)

Its shape.

The shape of the Surplice is a matter so perfectly indifferent, that it admits of no dispute. Wheatly says, that "the present mode is certainly grave and convenient, and in the opinion of Durandus, significant;" (g) the latter observing, that as the garments used by the Jewish Priesthood, were girt *tight* about them, to signify the *bondage* of the law; so the *looseness* of

(z) Durand. Ration. Lib. 3, c. 1, num. 10, 11, 12.

(a) Matt. xxviii. 3; Mark xvi. 5; Acts i. 10; Rev. vi. 11; vii. 9; xv. 6; xix. 8, 14.

(b) Dan. vii. 9.

(c) Matt. xvii. 2.

(d) 2 Chron. v. 12.

(e) Rev. xix. 14.

(f) Rev. xix. 8.

(g) Wheatly on the Common Prayer, 88.

the Surplices used by the Christian Priests signifies the *freedom* of the Gospel. (*h*)

The Surplice is to be used by every Minister in saying the public Prayers of the Church, and in strictness, in the administration of all its Rites, except the Holy Communion. Thus by the Rubric in the first Prayer Book of King Edward VI., to which we must refer, to ascertain what Vestures, in point of law, ought to be worn, we find it ordered, that, "In the saying or singing of Matins and Evensong, Baptizing and Burying, the Minister in Parish Churches and Chapels annexed to the same shall use a Surplice." When to be used.

So by Canon 58, "Every Minister saying the public Prayers, or ministering *the Sacraments*, (*i*) or other Rites of the Church, shall wear a decent and comely Surplice with Sleeves, to be provided at the charge of the Parish. (*k*) And if any question arise touching the matter, decency, or comeliness thereof, the same shall be decided by the discretion of the Ordinary." Canon on the subject.

The word Hood is derived from the *cucullus*, a habit among the ancient Romans, and was a coarse covering for the head, broad at one end for the head to go in, and then gradually lessening till it ended in a point. (*l*) The Hood.

Hoods were used by Monks, and then by members By whom worn.

(*h*) Rational. Divin. Offic. Lib. iii. cap. 3, num. 3, fol. 67.

(*k*) There ought to be two provided. Lyndw. 252.

(*i*) We shall see that in administering the Sacrament of the Lord's Supper, a different dress should, in strictness, be worn. See p. 51.

(*l*) Wheatly on the Common Prayer, 89; Martial, Lib. 5, Epig. 14, lin. 6; Juv. Sat. 8, ver. 145.

of Colleges, Cathedrals, and Collegiate Churches; but of a different description from those used by the Monks. They were afterwards worn by members of the Universities, and varied according to their several degrees. (*m*)

What to be worn in the Universities.

By Canon 17, it was ordered that "All Masters and Fellows of Colleges or Halls, and all the Scholars and Students in either of the Universities, shall, in their Churches and Chapels, upon all Sundays, Holy-days, and their Eves, at the time of Divine Service, wear Surplices, according to the order of the Church of England; and such as are Graduates shall agreeably wear with their Surplices such Hoods as do severally appertain unto their Degrees." (*n*)

Directions of the Rubric.

By the Rubric in the First Prayer Book, "In all Cathedral Churches and Colleges, the Archdeacons, Deans, Provosts, Masters, Prebendaries, and Fellows, being Graduates, may use in the Quire, beside their Surplices, such Hoods as pertaineth to their several degrees, which they have taken in any University within this realm."

What to be worn in Cathedrals when there is no Communion.

By Canon 25, "In the time of Divine Service and Prayers, in all Cathedral and Collegiate Churches, when there is no Communion, it shall be sufficient to wear Surplices; saving that all Deans, Masters, and Heads of Collegiate Churches, Canons, and Prebendaries, being Graduates, shall daily, at the times both of Prayer and Preaching, wear with their Surplices such Hoods as are agreeable to their Degrees."

(*m*) See Wheatly on the Common Prayer, 89.

(*n*) Canon 17.

In administering the Holy Communion, special Vestures are provided. Thus it is ordered by the same Rubric, that "Upon the day and at the time appointed for the ministration of the Holy Communion, the Priest that shall execute the Holy Ministry, shall put upon him the Vesture appointed for that ministration, that is to say, a white Albe plain with a Vestment or Cope. And where there be many Priests or Deacons, then so many shall be ready to help the Priest in the ministration as shall be requisite; and shall have upon them likewise the Vestures appointed for their ministration, that is to say, Albes, with Tunicles."

Vestures for administering the Holy Communion.

By Canon 24, it is ordered that "In all Cathedral and Collegiate Churches, the Holy Communion shall be administered upon principal feast-days, sometimes by the Bishop, if he be present, and sometimes by the Dean, and at sometimes by a Canon or Prebendary, the principal Minister using a decent *Cope*, and being assisted with the Gospeller and Epistler, agreeably according to the Advertisements (*o*), published anno 7 Elizabeth." (*p*)

Canon on the subject.

The Albe was a very ancient habit worn by Ministers in the Administration of the Communion; and seems to have been a kind of linen garment made to fit close to the body like a Cassock, and tied round in the middle with a girdle or sash, the sleeves either being plain, like those of a Cassock, or gathered close at the wrist, like those of a shirt. (*q*)

The Albe.

(*o*) These Advertisements order that *at all other prayers no Copes be used, but Surplices.*

tions of the Rubric of the First Prayer Book.—

(*p*) But in strictness the dresses should be according to the direc-

(*q*) See Wheatly on the Common Prayer, 90; Durand. Lib. iii. cap. 3, fol. 67.

The Cope.

The Cope (*Capa*) was so called, *a capiendo*, because it contained or covered the whole man. (*r*) And Wheatly says that the Vestment, or Cope, "answers to the *Colobium* used by the Latin, and the *Σάκκος* used by the Greek Church. It was at first a common habit, being a coat without sleeves; but afterwards used as a Church Vestment, only made very rich by embroidery and the like. The Greeks say it was taken up in memory of that mock robe, which was put upon our Blessed Saviour." And he further observes, "that it seems presented to none but the Bishop, and the Priest that consecrates the elements at the Sacrament." (*s*)

The Principal Vestment.

The Principal Vestment among the Popish Priests was the best Cope, to be worn in the Principal Feasts. (*s*) And the Chesuble, from *Casula*, was the garment worn by the Priest, next under the Cope, which was called also the *Planet*. (*t*)

The Choral Cope.

The Choral Cope (*Capa in Choro*) was a Cope not so good as that to be used on Festivals, but to be worn by the Priest who presided at the saying or singing the Hours. The Appendages of the Choral Cope were the *Amyt*, the *Alb*, the *Girdle*, the *Maniple*, and the *Stole*. (*r*)

The Tunicle.

The Tunicle is the habit which is ordered by the Rubric to be worn by the Priests and Deacons, who assist in the ministration of the Lord's Supper; and Durandus describes it as a silk sky-coloured coat, made in the shape of a Cope. (*u*)

(*r*) Johns.; and see Lyndw. 252.

(*s*) Wheatly on the Common Prayer, 90.

(*t*) Lyndw. 252.

(*u*) See Wheatly on the Common Prayer, 91; Durand. Lib. iii. cap. 15, fol. 77.

The *Rochette* is a Surplice without sleeves; and was worn by the Clerk who assisted the Priest at the Mass, or by the Priest when he baptized children, so that his arms might be more at liberty. (*x*)

The Rochette.

The Rochette is now worn by our Bishops, under what is called the Chimere, or upper Robe, to which the lawn sleeves are generally sewn. This, before and after the Reformation, and till Queen Elizabeth's time, was always of scarlet silk; but it was afterwards changed for a Chimere of black satin. (*y*)

The Bishop's Dress.

By the Rubric of the first Prayer Book, it is ordered that, "Whensoever the Bishop shall celebrate the Holy Communion in the Church, or execute any other public ministration, he shall have upon him, beside his Rochette, a Surplice or Albe, and a Cope or Vestment, and also his Pastoral Staff in his hand, or else borne or holden by his Chaplain."

What at Communion time.

The Pastoral Staff was made in the shape of a Shepherd's Crook, and has, however, now gone out of use, though it was for many ages, and even after the Reformation, constantly given to the Bishop at his Consecration, to denote that he was then constituted a Shepherd over the flock of Christ. (*z*)

The Pastoral Staff.

With respect to the Vestures to be worn by the Clergy of our Church, it appears there has always been a great deal of dispute. We have seen that by the first Prayer Book of Edward VI. in 1549, the law was very much the same as it is now, but by the second Prayer Book of that king in 1552,

Disputes about Vestures.

(*x*) Lyndw. 252.(*z*) Wheatly on the Common

Prayer; Hody's Hist. Convocat. 141.

Prayer, 91; Durand. Lib. iii. c. 15, fol. 77.

the Albe, Vestment, or Cope, were forbidden to be worn. And a Bishop or Archbishop was to wear a Rochette, and a Priest or Deacon a Surplice only. Popery, however, was restored by Queen Mary, and this Prayer Book repealed; and on the accession of Queen Elizabeth, in 1559, Church Ornaments were put on the same footing as under the first Prayer Book of King Edward VI.

Strype's
account.

The people, however, in the reign of Queen Elizabeth, were anxious for greater simplicity, and Strype gives the following account of the state of feeling in the Church in 1564:—"The Habits enjoined, as they caused great wrangling and breach of peace among the Clergy themselves, so the Lay people were growing into an abhorrence of those that wore them, and of the Service of God administered by them. Insomuch that, soon after, numbers of them refused to come to the Church or Sermons, or to keep the Minister's Company, or to salute them. Nay, as Whitgift, in his *Defence* writes, they spat in their faces, reviled them in the streets, and showed such like rude behaviour towards them, and that only because of their apparel." (a)

Advertisement
issued.

It was, probably, in consequence of these disturbances, that it was ordered by an Advertisement, in 1564, that on all other occasions except the administration of the Holy Communion in a Cathedral or Collegiate Church, a Surplice and Hood were to be worn. (b)

Visitation
Articles.

And it is asked in the Visitation Articles to be inquired of within the Province of Canterbury in 1576, "Whether your Parson, Vicar, Curate, or Minister, do wear any Cope in your Parish Church or

(a) 1 Strype's Annals, Lib. xli.

(b) 1 Cardw. Doc. Ann. 326.

Chapel," and classes it among Popish Rites and Ceremonies. (c)

In 1603, a Canon of our Church ordered that every Minister saying the Public prayers, or ministering the Sacraments or other Rites of the Church, was to wear a "Surplice with Sleeves." Canon of 1603.

In 1662, our present Prayer Book was confirmed by Statute, and the law as to Church Ornaments was continued in the same state as in the first Prayer Book. That is to say, a Surplice to be worn in saying the public Prayers of the Church, and in administering all its Rites except the Holy Communion. (d) Law of 1662.

In point of fact, however, the Surplice is, at the present day, always worn during the Communion Service, as well as during the public Prayers; and this has now become quite the usage of our Church. Present practice.

And, indeed, no question is ever made respecting this practice, although numerous hot disputes have arisen as to whether a Clergyman, when preaching, should wear a Surplice or a Gown. (e) DISPUTES ABOUT THE HABIT FOR PREACHING.

It would appear that, some time after the Reformation, when Sermons were preached only in the morning, in the middle of the Communion Service, the Preacher always wore a Surplice,—a practice which exists in Cathedrals and Collegiate Churches (e)—it being so directed by Canon 25, and the Sermon is usually preached in the Choir. Practice of preaching in a Surplice.

But, in speaking of Cathedral Churches and Colleges, it is laid down, in the Rubric of the first Rubric on the subject.

(c) 1 Cardw. Doc. Ann. 399.

(e) See Bishop of London's

(d) See 13 & 14 Car. II. cap. 4. Charge, October 1842.

Prayer Book, that "in all other places," except the Quire, "every Minister shall be at liberty to use any Surplice or no." And this seems to contemplate preaching, for it is further said, "It is also seemly that Graduates, when they do preach, should use such Hoods as pertaineth to their several degrees."

The Gown is nowhere mentioned or alluded to in any of the Rubrics, and the Bishop of London thinks that it was probably first worn in the Pulpit, by the licensed Preachers and by the Lecturers, who preached when no part of the Communion Service was read. Thus in the King's Injunctions of 1633 to the Archbishop, a direction is given, that "where a Lecture is set up in a Market Town, it may be read by a company of grave and orthodox Divines, and that they ever preach in such seemly habits as belong to their degrees, and not in Cloaks." (*f*)

The Surplice, however, does not appear ever to have been worn, as the proper habit of a Preacher, or it would certainly have been adopted in our University Pulpits. For there we know that at the present time the Gown is always worn, and it does not appear that any Record exists of the Surplice having ever been used on such occasions, and the Gown substituted for it. If such a custom had ever existed, any change of it could only have been effected by authority, some record of which would unquestionably exist at the present day. (*g*)

The 58th Canon, which relates to this matter, is thus headed, "Ministers reading Divine Service and

(*f*) See Bishop of London's Charge, October 1842.

(*g*) See Bishop of Worcester's Charge, December 1844.

Gown first worn by licensed Preachers.

Surplice never the proper habit of a Preacher.

Directions of Canon 58.

administering Sacraments to wear Surplices," and we have seen that it directs that every Minister saying the *Public Prayers*, or ministering the *Sacraments* or other Rites of the Church, shall wear a decent and comely Surplice, with sleeves, to be provided by the Parish.

Now it would appear self-evident, that a person preaching a Sermon is neither saying the *Public Prayers* nor ministering the *Sacraments* or other Rites of the Church. (g) The Sermon, indeed, is preached after the commencement of the Communion Service; though like declaring Holy-days or Fasting-days, giving Notice of Communion, reading Briefs, Citations, and Excommunications, which it immediately follows, it is unconnected with "Ministering the Sacraments"; and in fact the Clergyman leaves the "Lord's Table" to preach the Sermon, "returning" when it is finished to begin the Offertory.

Sermon unconnected with ministering the Sacraments.

Indeed, in our Universities, where, as is well known, a regard for ritual observances is strictly observed, so little is the Sermon considered a part of the Sacramental Service, that it is preached in a different place, and at a different time, from the College Chapels, where daily Service is read, and the Sacraments are administered. (g)

Practice in our Universities.

In the Advertisements published in the Reign of Queen Elizabeth, in 1564, it is ordered, "that the deane and prebendaries weare a surplesse with a silke hooede in the quyer; and when they preach in the cathedrall or collegiate church, to weare theire hooede." (h)

Advertisements in reign of Queen Elizabeth.

(g) See Bishop of Worcester's Charge, December 1844.

(h) 1 Cardw. Doc. Ann. 326.

A distinction made.

From this it appears that a distinction is made between being in the Quire, and preaching in the Church. In the first instance, a Hood and Surplice is to be worn; in the second, a Hood is merely mentioned. Now, if the same dress had to be worn in both cases, the second direction "to weare their hoode," would have been unnecessary.

Duty of the Ordinary.

As, in strictness, the Surplice should not be worn during the Communion Service, and as the Canons of our Church are silent respecting the Gown, it is within the province of the Ordinary to decide as to the use of it. In all places where it has been customary to use a Surplice for preaching, and the congregation do not object to it, the Ordinary would probably not interfere. But where the Surplice is obnoxious to the Parishioners, either from its being considered the badge of a party, or from its having been recently introduced into their Church, it would be the duty of the Ordinary to direct the Gown to be worn. And it must always be borne in mind, that usage is quite as much in favour of the use of the Gown in preaching, as of the Surplice in the administration of the Holy Communion.

Duty of the Parishioners.

But as a Gown is not one of the articles provided at the expense of the Parishioners, they should offer to purchase one for any poor Clergyman, (i) and give him an opportunity of wearing it, before they require him to discontinue preaching in his Surplice.

Difference of opinion among the Bishops.

There has, however, been a great difference of opinion among the Bishops, as to preaching in a Gown or a Surplice, and the present practice is far from being uniform.

(i) As to poor Clergymen, see Canon 74, post, p. 61.

The Bishop of Exeter requires the Surplice to be used, and says in a Pastoral Letter, "The law, beyond all question which can now arise, requires that the Surplice be always used in the Sermon, which is part of the Communion Service; and as to all other times, wherein a Sermon is part of the ministration of the Parochial Clergy, there is so little reason for question, that I resolve the doubt by requiring (as it was required in the Diocese in which my own ministerial life was passed, the Diocese of Durham, and there by the order of one of its most distinguished Prelates, and of our most eminent ritualists, Bishop Cosin) that the Surplice be always used." (*k*)

Opinion of
Bishop of
Exeter.

The Bishop of Worcester, on the other hand, says, "The true state of the case I take to be, that you are directed to use the Surplice only when reading Divine Service, or administering the Sacraments: you then appear in your proper character of Priest or Deacon, appointed to minister in holy things. But when you preach you assume the character of a teacher, and as such your proper habit (if, indeed, proper or improper are fit words for a matter so insignificant) is your academical Gown, with a Hood denoting your Degree at the University. In all doubtful questions, I feel sure that you would obey the Apostle's direction, which ought to have much more authority with you than anything which I can say, and 'follow after the things which make for your peace.' (*l*)"

Opinion of
Bishop of
Worcester.

The Bishop of London takes a moderate view,

Opinion of
Bishop of
London.

(*k*) Bishop of Exeter's Pastoral Letter, November 1844.

(*l*) See Bishop of Worcester's Charge, December 1844.

and gives the following advice:—"When there is only one officiating Clergyman, and the prayer for the Church militant is read, which must be read in a Surplice, it seems better that he should preach in the Surplice, than quit the Church after the Sermon for the purpose of changing his habit. It would, perhaps, be most consonant with the intention of the Church, if the preacher wore a Surplice when preaching after the Morning Service, and a Gown when the Sermon is in the Evening. Upon the whole, I am hardly prepared to give any positive direction on this point, for this particular Diocese, although it is certainly desirable that uniformity of practice should prevail in the Church at large." (*m*)

The Cassock.

The Cassock, formerly part of the dress of a Soldier, is derived from the word *Casaque* (*n*), and is mentioned as such both by Shakspeare (*o*) and Ben Jonson. (*p*) It is now, however, part of the dress of the Clergyman, and may be worn with his Gown.

Ministers' apparel generally.

Decency of Apparel is enjoined to Ministers by Canon 74, and it is ordered "That the Archbishops and Bishops shall not intermit to use the accustomed Apparel of their degrees. Likewise all Deans, Masters of Colleges, Archdeacons, and Prebendaries, in Cathedral and Collegiate Churches (being Priests or Deacons), Doctors in Divinity, Law, and Physic, Bachelors in Divinity, Masters of Arts, and Bachelors of Law, having any Ecclesiastical Living, shall usually wear Gowns with Standing

(*m*) Bishop of London's Charge, October 1842.

(*n*) Habit de soldat.—Roquefort.

(*o*) Shakspeare's "All's Well that Ends Well."

(*p*) Ben Jonson's "Every Man in his Humour."

Collars, and Sleeves straight at the hands, or wide Sleeves, as is used in the Universities, with Hoods or Tippetts of Silk, or Sarsenet, and Square Caps. And that all other Ministers admitted, or to be admitted, into that function, shall also usually wear the like apparel as is aforesaid, except Tippetts only. We do further, in like manner, ordain, that all the said Ecclesiastical persons above mentioned shall usually wear in their journeys Cloaks with Sleeves, commonly called Priests' Cloaks, without guards, welts, long buttons, or cuts. And no Ecclesiastical person shall wear any Coif or wrought Night-cap, but only plain Night-caps of black silk, satten, or velvet. In all which particulars concerning the Apparel here prescribed, our meaning is not to attribute any holiness or special worthiness to the said garments, but for decency, gravity, and order, as is before specified. In private houses and in their studies, the said Persons Ecclesiastical may use any comely and scholar-like apparel, provided that it be not cut or pinkt; and that in public they go not in their Doublet and Hose without Coats or Cassocks, and that they wear not any light coloured Stockings. Likewise poor beneficed Men and Curates (not being able to provide themselves long Gowns), may go in short Gowns of the fashion aforesaid."

CHAPTER III.

OF THOSE WHICH ARE UNNECESSARY OR
SUPERSTITIOUS.

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How to be purchased.

THERE are many articles which are not absolutely necessary, and for which no provision is made by any special law. These must all be referred to the general powers of Churchwardens, with the consent of the major part of the Parishioners, and under the direction of the Ordinary. As, for instance, the purchase of Kings Arms, Pulpit Cloths, House Cloths, Rushes, or Mats, Vestry Furniture, &c. (a)

Law as to the consent of the Parish.

The consent of the Parish is not necessary to authorize a thing to be done, but only to oblige them to pay for the doing of it; because, whether it be fitting to be done or not, belongs to the Ordinary to judge. (b)

When it is required.

The consent of the Parish is only required when it is put to expense for things not necessary, but merely ornamental. (c) Or when it is to be charged

(a) See 1 Burns's Eccl. Law, 374.

(b) Prid. 53.

(c) Churchwardens of St. John's, Margate, v. Parishioners, 1 Hag. CC. 199.

with any expense for the support of the Ornament after it has been put up. (*d*)

But if there is no such charge incurred, the approbation of the majority of the Parishioners is not necessary, nor the disapprobation binding on the Ordinary. Therefore, if the Rector, with the License of the Ordinary, or any other person, with consent of the Rector and the License of the Ordinary, choose to set up, at their own cost, Rails at the Communion Table, the Parish cannot prevent them. (*e*)

When it is not.

But if any addition or alteration is proposed to be made, such as the erection of a Pew, a Gallery, or an Organ, or the redecoration or restoration of the Church, the consent of the Parish is made necessary to secure their estate from unjust taxation; and the License of the Ordinary is also required, to secure the Church from having any nuisance or unfitting incumbrance erected in it, whereby the decent performance of the Divine Offices may be impeded, or the people in any way hindered from fully partaking of the benefits of them. (*f*) And whatever is added by License of the Ordinary becomes from thenceforth a *necessary* part of the Church, and is to be repaired at the charge of the Parishioners. (*g*)

Consent of Parish and License of Ordinary.

If any Ornament be erected in the Church without the authority of the Ordinary, but merely with the consent of the major part of the Parish, the

Consequence of not obtaining the latter.

(*d*) *Butterworth v. Walker*, 2 Burr, 1689; *Churchwardens of St. John's, Margate, v. Parishioners*, 1 Hag. CC. 198.

(*f*) Prid. 50; and as to the erection of Pews or Galleries, see "*Oliphant's Law of Pews and Prohibition*."

(*e*) Prid 54.

(*g*) *Gibs. Cod.* 196.

Churchwardens may make and levy a Rate; but if any person in the Parish refuse payment, they have no remedy against him, because the thing being illegally done, no Rate can be judged legal which shall be made for it. (*h*)

Not required
for additions
outside the
Church.

If the thing added be not in the Church, nor is added to the Fabric or its appurtenances for any religious use, but only for the benefit, convenience, or curiosity of the Parishioners, as a Clock, a Dial, Chimes, a supernumerary Bell, &c., it seems that the License of the Ordinary is not requisite, but it will be sufficient if the majority of the Parish consent to it. (*i*)

As for pur-
chasing an
extra Bell.

If the majority of the Parishioners agree to have an extra Bell, and one is made accordingly, and a Rate made to pay for it, this binds the minority of the Parishioners; otherwise, obstinate persons might prevent anything being done to ornament the Church. (*k*)

Restoring and
repairing.

And where the Communion Table of ancient times had been placed in the Chancel, and there were ancient Rails about it which were out of repair, the Parishioners, at a meeting resolved to repair the Chancel and Rails, to replace the Table there, and to raise the floor some steps higher. The payment of a Rate for such purpose was resisted, and a Prohibition prayed. But the Court held that the Parishioners were justified in doing these things; for they are compellable to put things in decent order; and as to *degree* of decency and

(*h*) Prid. 48.

(*i*) Id. 50.

(*k*) 2 Roll. Abr. "Prohibition,"
B. R. Mich. 2 Car.

order, there is *no rule*, but as the Parishioners by a *majority* agree. (l)

But if any of the particulars omitted or let down be not of those parts of the Fabric, Utensils, Churchyard, or appurtenances, which either the law, or the nature of the things themselves make necessary to every Church, but are only such as have been added by consent of the Parishioners or other License requisite for the more decent and orderly administration of the Divine Offices, or greater benefit of the Church, or only for the benefit, convenience, or curiosity of the Parishioners, if they have been out of use for 40 years, the Churchwardens alone have no authority to restore them. (m)

When things have been out of use 40 years.

For there being no law or absolute necessity for these particulars, the Church can have no other right to them but by Prescription and former usage. But the utmost limit of Ecclesiastical Prescription is 40 years, "*prescription per le ley de St. Eglise est 40 ans*;" (n) this appears by the Epistle Decretal of Pope Alexander III., in 1180, (o) where it is decreed, "*Quadragenalis prescriptio omnem prorsus actionem tollit*." (p)

The prescription is lost.

Nor can any ecclesiastical jurisdiction enjoin it on them, or legally require it to be done; but the things become then of the same nature in law as if they had never been in the Church at all. (p)

And they are as if they had never been in the Church.

For instance, the Rails at the Communion Table are said not to be required by law in any Church,

As for instance, the Rails at the Communion Table.

(l) *Newson v. Baldwry*, M. 1 Anne, Far. 70; 1 Burns's Eccl. Law, 368.

Alexander III. A.D. 1180; 2 Inst. 653; Prid. 52.

(n) 20 Hen. VI. fol. 17.

(m) Epistle Decretal of Pope

(o) 2 Inst. 65.

(p) Prid. 52.

and the consent of the Parish and Rector, and the license of the Ordinary, being necessary for their first erection, they cannot, after 40 years' disuse, be again restored without the same consent and license, to authorize the Churchwardens so to do, and to levy a Rate for it upon the Parish. (*q*)

Erection of
such Rails.

Therefore, though it be very decent and fitting that there should be Rails in every Church to keep from profanation the Communion Table, at which the highest mystery of our holy religion is celebrated, yet, as this matter is sometimes disputed, the Churchwardens, before attempting to erect Rails, should take the requisite preliminary steps legally to justify themselves in so doing. (*q*)

What consent
and license is
necessary.

But if the new erection be in the Chancel, the leave of the Rector is also necessary, as the Chancel belongs to him; and therefore, if the Churchwardens set up any new Seat in the Chancel, (*r*) or place Rails at the Communion Table, they must not only have the consent of the Parish, but also the leave of the Rector and the License of the Ordinary, before it can legally be done. (*s*)

Application
for a Faculty.

After a majority of the Vestry has decided in favour of the proposed addition or alteration, an application is made to the Ordinary for a Faculty, and he calls on all persons having a right, to show cause why it should not be done, and hears and determines on the force of any objections that may be made against it. (*t*)

(*q*) Prid. 53.

(*s*) 1 Prid. 50.

(*r*) As to Seats in the Chancel, see "Oliphant's Law of Pews and Prohibition."

(*t*) Per Sir W. Scott Bardin v. Edwards, 1 Hag. CC. 14.

In all cases of this kind, the intimation goes out to all persons, and therefore every one not appearing to object, must be regarded as consenting, by virtue of the Notice, and also of the representative character of the Churchwardens who apply for the Faculty. (*u*)

Effect of objection not appearing.

It is the bounden duty of the Ordinary never to grant a Faculty for expensive alterations in any Church, which are professed not to be paid by a Church Rate, unless the Judge has before him the most ample security, that the funds will be otherwise provided for, than by the Parish. (*u*)

Faculty for expensive alterations.

In the case of *Roop and Clark, Churchwardens of Chesterfield, v. the Vicar and Parishioners of Chesterfield*, (*x*) which has since been followed as a precedent, the Judge would not allow the Faculty to pass till the parties who made the application gave a Bond for 3,200*l.*, with sureties for the performance of the intended alterations, and the repairing and the refitting of the Parish Church of Chesterfield, and for the payment of all expenses attending the same, without making any Rate or Assessment on the Parish in respect thereof; and the Judge further directed that a clause should be inserted in the Faculty, providing that the Parishioners should not be liable to any expenses incurred in respect of such repairs and alterations.

Case followed, as a precedent.

And, indeed, a Faculty does not enjoin the raising

Faculty does not enjoin a Rate.

(*u*) Churchwardens of St. John's, Margate, *v.* Parishioners, 1 Hag. CC. 200.

of Chesterfield, Arches, Dec. 21, 1841. And see *Hopton v. Minister, &c., of Kemerton*, 6 Eccl. & Mar. Cases, 85.

(*x*) Churchwardens of Chesterfield *v.* The Vicar & Parishioners

of any Rate ; and if it is found a burthen, it may be removed by another Faculty. (*y*)

Costs of the application.

The Costs of an Application for a Faculty are in a special manner in the discretion of the Court, and where it meets the justice of the case, no order will be made for Costs, so that each party will have to pay their own Costs. (*z*)

ORGANS.

The early Christians appear to have been unacquainted with the use of Organs ; and it is not clearly known at what time they were first introduced into Churches. It appears that about the year 766, Constantius Copronymus, Emperor of Constantinople, sent one as a present to Pepin of France. (*a*) And Wheatly says, "it is certain that the use of them has been very common now for several hundreds of years, Durandus mentioning them several times in his books, but giving no intimation of their novelty in Divine Service." (*b*)

The old ones small.

The old Organs were much smaller than those now in use, were of a different construction, and were called Regals. They were greatly enlarged in the fifteenth century, since which time numerous improvements have gradually been made. (*c*)

Necessary or ornamental.

It is difficult in some cases to distinguish whether an addition to the Service of the Church is to be deemed necessary or ornamental ; and Organs in

(*y*) Per Sir W. Scott. Churchwards of St. John's, Margate, v. Parishioners, 1 Hag. CC. 202.

(*z*) Hopton v. Minister, &c., of Kemerton, 6 Eccl. & Mar. Cases, 90.

(*a*) Aventin, Annal. Bojorum,

Tib. III. fol. 300 ; Gregory's Posthumous Works, 49.

(*b*) Wheatly on the Common Prayer, 114.

(*c*) Barr's Anglican Church Architecture, 68.

some Churches may be necessary, though in others only ornamental. (*d*)

In Collegiate and Cathedral Churches they would be deemed necessary, and the Ordinary might compel the Dean and Chapter to erect an Organ, as proper and necessary for the Service usually performed in such places. In Collegiate and Cathedral Churches.

In Parish Churches it would be otherwise, and though Organs in such places are not to be discouraged, it would depend on the circumstances of the Parish, what judgment the Court would form on each particular case. (*e*) In Parish Churches.

A Faculty is required for the erection of an Organ, and a Faculty is not granted by the Ordinary, without a decree with intimation, in order that any of the Parishioners may object; on which objection the Court, considering the circumstances of the case, is to decide. (*f*) Erection of an Organ.

However, the consent or desire of the Parishioners does not bind the Ordinary; for the consent may be imprudently given, and contrary to the interests of Religion. (*f*) Consent of Parishioners.

The Parishioners are, in the first instance, the best judges of the inconvenience, and the remedies for that inconvenience; and the Court will not lightly presume that a majority would authorize or willingly incur an unnecessary expense. (*g*) Thus a Faculty was granted for erecting a Gallery for the Who are *primæ facie* the best judges.

(*d*) Churchwardens of St. John's, Margate, v. Parishioners, 1 Hag. CC. 199.

(*e*) Ibid. 199.; and see Jay v. Webber, 3 Hag. 8.

(*f*) Pearce v. Rector of Clapham, 3 Hag. 13.

(*g*) Per Sir W. Scott. Groves v. Rector of Hornsey, 1 Hag. CC. 190.

accommodation of the increased population of the Parish of Hornsey, and the objections on the part of the minority of Parishioners were overruled. (*h*)

But although the Ecclesiastical Court pays so great attention to a majority, it is not the only circumstance to be considered; for the majority may incline to unnecessary expense, against which the Court ought to protect the minority, or it may object to necessary expense. The Court is not bound by this circumstance alone; it may refuse the whole Parish joined together, or it may grant, if it appears necessary, a Prayer, on the application of one against all the rest. (*i*)

It may be the duty of the Ordinary, under particular circumstances, to interpose and protect the Parish from its own indiscretion, if any inconvenience is to be apprehended from it; as if the Parish is small, and the Rent of Houses very high, or there are other circumstances which render the proposed addition to the Church inexpedient; (*k*) as, for instance, if there be not convenient room for it. (*l*)

Therefore, where a Church is too small, the Ordinary will never grant a Faculty, for the inconvenience is greater than the advantage. (*m*) Thus a Faculty was refused where it appeared that there was not accommodation for the Inhabitants, and

(*h*) Groves *v.* Rector of Hornsey, 1 Hag. CC. 188.

(*i*) *Ibid.* 189.

(*k*) Churchwardens of St. John's, Margate, *v.* Parishioners, 1 Hag.

CC. 20.

(*l*) Churchwardens of Clapham *v.* Rector, 3 Hag. 13.

(*m*) Pearce *v.* Rector of Clapham, 3 Hag. 13.

Court not bound by the majority.

But may protect the minority.

As when the Church is too small.

that even this would be made less, by taking away several Seats to erect an Organ. (*n*)

The Ordinary is to take into consideration all the circumstances of the case, either upon objection on the part of the Parishioners, or upon application for a Decree. (*o*)

Ordinary will consider all the circumstances.

The first point to which the Court looks is, whether an objection as founded is capable of being duly ascertained by the resolution of Vestry, or by the opinions and sentiments of others, who, being prevented from attending there, have joined in the subsequent proceedings. (*p*)

The first point at which the Court looks.

If the Ordinary sees that many of the Parishioners object, though they may be the minority, it may be very proper that he should not be totally inattentive to their opinion. It is usual, therefore, in cases of mere Ornament, to tender Affidavits, shewing what the majority in Vestry was, in order that the Court may ascertain what may fairly be considered the predominant wish of the Parish. (*q*)

Affidavits as to the majority in Vestry.

But although the consent of the Parish is not necessary to the Ordinary ordering an Organ to be erected in a Church, the Parish cannot, without their consent, be charged with the expense of erecting or repairing it, or adding new Ornaments. (*r*)

Parish cannot be put to expense against their consent.

And the law, generally, appears to be, that the Ordinary is to judge whether the circumstances of the Parish offer any objection to the erection of an

The law generally.

(*n*) Pearce v. Rector of Clapham, 3 Hag. 15.

(*o*) Ibid. 13.

(*p*) Groves v. Rector of Hornsey, 1 Hag. CC. 190.

(*q*) Churchwardens of St. John's, Margate, v. Parishioners, 1 Hag. CC. 201.

(*r*) Butterworth v. Walker, 3 Burr, 1689.

Organ; and the Parish alone is to decide on any Expenses to be incurred. (*s*)

Provision made by the Parish.

Music has always been used in Divine Worship; therefore the Ordinary never would think of discouraging, and never did discourage, the Erection of an Organ, where a Parish offered to provide all Expenses, unless there appeared to the contrary, some reason of more consideration than the benefit thence to be derived. (*t*)

Clause against expense

The Courts have usually adopted the rule of inserting a Clause, that no Expense shall fall on the Parish. But this rule is discretionary only, and, though generally proper, by no means binding. (*u*) Thus it is no sufficient objection to a Faculty for erecting an Organ in a Parish Church, that there is no provision for the future Repairs, nor for the permanent Salary of an Organist. (*x*)

need not be inserted.

And a clause providing against any future expense falling on the Parish, need not be inserted in a Faculty, confirming the erection of an Organ, by voluntary contributions, and with the consent of the Vestry, in a Parish Church. (*y*)

Faculty granted without.

Therefore a Faculty for accepting and erecting an Organ, offered to the Parish of St. John's, Margate, was granted, without a clause against future expenses being charged to the Parish. And an objection on the part of certain of the Parishioners was overruled. (*z*)

(*s*) *Jay v. Webber*, 3 Hag. 8.

(*t*) *Pearce v. Rector of Clapham*, 3 Hag. 12.

(*u*) *Churchwardens of St. John's, Margate, v. Parishioners*, 1 Hag. CC. 201.

(*x*) *Churchwardens of Clapham v. Rector*, 3 Hag. 10.

(*y*) *Jay v. Webber*. 3 Hag. 4.

(*z*) *Churchwardens of St. John's, Margate, v. Parishioners*, 1 Hag. CC. 198.

The effect of a Faculty, confirming the erection of an Organ, where a clause of exoneration from future expenses has not been inserted, is, that it leaves the matter quite open. It neither lays the burthen on the Parish, nor prevents its being undertaken hereafter, in case of the failure of voluntary contributions. (a) Its effect.

And as a Faculty, confirming the erection of an Organ, binds the Parish to nothing prospectively, they may apply even to have the Organ removed altogether, if such a measure could be shewn to be necessary, or even strongly beneficial, for the more important object of enabling the Parishioners to attend public worship in the Parish Church. (b) It binds to nothing prospectively.

A Faculty directing the performance upon, and the repairs of an Organ in a Parish Church to be paid out of the Parish Rates, would be legally objectionable; for the Ordinary can only bind the Parish to expense for articles absolutely necessary. (c) Faculty directing payment out of Rates bad.

And even if the Vestry is unanimous, a clause binding the Parish to defray out of the Rates future expenses for an article not necessary, ought not to be inserted. Because neither the Ordinary, nor the existing inhabitants, have a right to bind their successors to any expense but what is legally necessary. (c) Even when Vestry is unanimous.

In London, where Parishes are small and the rents high, an Organ might be a considerable burthen, and therefore the rule is often adopted, though seldom well observed in practice, that A Fund for maintenance of Organist.

(a) Jay v. Webber, 3 Hag. 10.

(c) Ibid. 7.

(b) Ibid. 9.

several persons certify, that they are willing to subscribe to provide a settled Fund for the maintenance of the Organist, though no permanent endowment is arranged; a Fund for the present being all that is usually required. (*d*)

Is not prescribed by law,

That there should be a settled Fund is not prescribed by any rule of law, which is to be found in books or practice, except in particular cases in which the Ordinary may think it necessary. (*e*)

As the Organ need not be played.

If a Faculty has been obtained for an Organ, and there being no permanent provision for its support, succeeding Parishioners should not choose to take upon themselves the expense, there is no authority to oblige them to have it played upon; especially if a clause be added to the Faculty, as it is often done, that the expenses shall be defrayed by voluntary contributions. (*f*)

But in such case Organist should be discharged,

But if they do not wish to be at any expense in its use, they should proceed regularly, and discharge the Organist.

As the Minister has the direction.

For the Minister has a right to direct when it shall or shall not be played, and when the Singers shall or shall not chant, though the Organist is paid, and the Singers are managed by the Churchwardens. (*g*) And forbidding the Organ to be played when directed by the Minister, is a matter of Ecclesiastical cognizance. (*h*)

Vestry may pay Organist's salary.

The Churchwardens have a right, with the con-

(*d*) Churchwardens of St. John's, Margate, v. Parishioners, &c., 1 Hag. CC. 201.

(*e*) Ibid. 202.

(*f*) Churchwardens of Clapham v. Rector, 3 Hag. 16.

(*g*) Wilson v. McMath, 3 Phil. 91.

(*h*) Ibid. 89.

sent and approbation of a Vestry Meeting legally called, to pay the Salary of the Organist, and to charge it to their accounts, notwithstanding the objection of a minority; and they would be supported by both the Temporal and Ecclesiastical Courts in so doing. (i) Because in all cases where the Parish is competent to act by its own power, it is the majority which must bind; and the majority of a Vestry, in cases fit to be there decided, will bind the minority of the Parish. (k)

The assessment should be made with consent of the Vestry, in the way of a Church Rate, and those who refuse to pay may be sued for it in the Ecclesiastical Court. (i) How to be assessed.

The office of Organist is not known to the common law of this country, (l) and therefore it has been held that a *mandamus* will not lie to the Vicar, Churchwardens, and Inhabitants of a Parish to elect an Organist to the Parish Church, though there always may have been such an officer beyond the time of living memory, and a yearly salary has been invariably paid him out of the Church Rates, it being optional with the Parishioners whether the Organ shall be played. (m) A *mandamus* to elect an Organist will not be granted.

Upon a vacancy in the office of Organist to a Parish Church, the Vestry unanimously resolved that the fact of the Vacancy should be advertised; and that a Committee should be appointed to reduce What has been held a reasonable mode of election.

(i) Opinion of Lord Stowell, 1790.

(k) Churchwardens of St. John's, Margate, v. Parishioners, 1 Hag. CC. 200.

(l) Per Patteson, J., Reg. v. Vicar, &c., of St. Stephen's, Coleman Street, 14 L. J., N. S., Q. B. 35.

(m) Ibid. 34.

the number of Candidates to six, each of whom should take the service on one Sunday. This resolution was, at a subsequent Vestry, unanimously confirmed. The Committee having selected six out of the sixty Candidates who presented themselves, a motion was made and seconded at the time of the election, that A, a Candidate who had not been thus selected should be eligible; but this was negatived without a division. No objection was made to this course. But afterwards, on a Poll having been demanded, a greater number of Votes were tendered on behalf of A than of any other candidate. It was held by Mr. Justice Patteson, that this was not an unreasonable mode of conducting the election, and that it might be said, under such an arrangement, that it was not competent for the Parishioners to vote for any but the six who had been selected, and that votes given for any other person were thrown away. (*n*)

IMAGES.

It is said that no Images were used in Churches for at least 400 years after Christ; indeed, the ancient Christians, though often taunted by the Heathen for having no Images or Statues in their Churches, never for a moment pretended to use them, but rejected the very notion of such a thing. (*o*)

Not used by
the Primitive
Christians.

And Wheatly says, "I hope it is clear enough that the primitive Christians, as they thought it sufficient to pray to God, without making their addresses to Saints and Angels, so they accounted

(*n*) Reg. v. Vicar, &c., of St. Stephen's, Coleman Street, 14 L. J., N. S., Q. B. 34.

(*o*) Wheatly on the Common Prayer, 75; Contr. Cels. L. 8, part ii. p. 521 E.

their Churches fine enough without Pictures and Images to adorn them." (p)

The origin of Image worship is thus given in the second part of the Homily, *Against Peril of Idolatry*: —“ First, men used privately stories painted in tables, clothes, and walls; afterwards, gross and embossed Images privately in their own houses. Then afterwards, Pictures first, and after them embossed Images, began to creep into Churches, learned and godly men ever speaking against them. Then by use it was openly maintained that they might be in Churches, but yet forbidden that they should be worshipped.”

Introduction of Images into Churches.

Of this opinion was Gregory, the first Bishop of Rome, 600 years after Christ, as appears by his Epistle to Serenus, Bishop of Massile. Thus he says, “ That thou didst forbid Images to be worshipped, we praise altogether; but that thou didst break them, we blame. For it is one thing to worship the Picture, and another thing by the picture of the story, to have to learn what is to be worshipped. For that which Scripture is to them that read, the same doth Pictures perform unto idiots or the unlearned beholding.” (p)

Reason for so doing.

The Homily goes on to state, that “ Gregory’s authority was so great in all the Western Churches, that by his encouragement men set up Images in all places; but their judgment was not so good to consider why he would have set them up, but they

People began to worship them.

(p) Wheatly on the Common Prayer, 76.

(q) Gregory’s Epistles in Re-

gister, Part x. Epist. 4, cited in Homily *Against Peril of Idolatry*.

fell all in heaps to manifest idolatry by worshipping them." (r)

Images in our Churches.

And accordingly, in our Churches, Images of Christ crucified and of various Saints were set up, the chief Image being in the Chancel, and representing the Saint to whom the Church had been dedicated. (s)

Ordered to be destroyed at the Reformation.

At the time of the Reformation, "Images of stone, timber, alabaster, or earth, graven, carved, or painted," either taken out of, or yet remaining in, any Church or Chapel, were required to be destroyed. (t)

Exception as to Tombs.

But this enactment was not to extend to "any Image or Picture set or graven upon any Tomb in any Church, Chapel, or Churchyard, only for a Monument of any King, Prince, Nobleman, or other dead person, which hath not commonly been reputed or taken for a Saint." (u)

What may now be put up.

And, indeed, the law now allows the erection of Tombs, Sepulchres, Monuments, Coats of Arms, Hatchments, Escutcheons, &c. in the Church, Chancel, common Chapel, or Churchyard, provided it be done by regular authority, and in a proper manner. (x)

Injunctions of 1559.

In the Reign of Queen Elizabeth, in 1559, certain Injunctions were issued, by which the Clergy were forbidden to "set forth or extol the dignity of any Images, (y) relics, or miracles; but, declaring the

r Second Part of the Homily *Against Peril of Idolatry*.

(s) Lyndw. 253.

(t) 3 & 4 Edward VI. cap. 10, s. 2.

(u) Id. s. 6.

(x) 3 Inst. 202; and see the

subject fully discussed in "Oliphant's Law of Burial."

(y) They are called in the Homily *Against Peril of Idolatry*, "Great puppets and babies for old fools in dotage."

abuse of the same, they shall teach that all goodness, health, and grace ought to be both asked and looked for only of God, as of the very Author and Giver of the same, and of none other.”(z) Persons were also forbid to keep in their houses what were called “abused Images.”(a)

By the Articles for the Visitation in the same year, it was to be inquired, “Whether in their Churches and Chapels all Images, &c. had been removed and destroyed?”(b)

Visitation
Articles of
same year.

In Archbishop Parker’s Visitation Articles of 1569, it is inquired, “Item, Whether ymages and al other monuments of ydolatry and superstition be destroyed and abolyshed in your several Parishes?”(c)

Visitation
Articles of
1569.

The Rood Skreen is either the lattice-work and cross-barred partition, which, in some Churches, is interposed between the Chancel and the Nave, or a Skreen of elaborately carved solid wood or stone, such as in some of our Cathedrals separates the Choir from the rest of the Church.(d)

The Rood
Skreen.

Above the Rood Skreen was formerly the Rood Loft, being a Gallery on which the Cross, or the Image or Picture of our Saviour upon the Cross, with those of the Virgin Mary and St. John on each side of it, were set to view.(d)

The Rood Loft.

Although a partition between the Church and Chancel was ordered to be kept, inquiry is made in Archbishop Parker’s Visitation Articles in 1569,

To be taken
down.

(z) See 1 Cardw. Doc. Ann. 212.

(c) Ibid. 356.

(a) Ibid. 226.

(d) Mr. Pugin has just published a work on Rood Screens and Rood Lofts.

(b) Ibid. 242.

“Whether the roode lofte be pulled downe, according to the order prescribed.” (*e*)

Manner of doing it.

And in Archbishop Grindal's Injunctions in the Province of York, in 1571, it is ordered that “rood lofts be altered.” (*f*) And in the Articles of the same Archbishop within the Province of Canterbury, in 1576, it is inquired “Whether your rood lofts be taken down and altered, so that the upper parts thereof, with the sollar or loft be quite taken down unto the cross beam, and that the said beam have some convenient crest put upon the same.” (*g*)

Shrines not Ornaments of our Churches.

A Shrine is a case in which something sacred is deposited. (*h*) And Shrines cannot be retained and be in use as “Ornaments in this Church of England, by the authority of Parliament, in the second year of the reign of King Edward VI.”

Ordered to be destroyed.

For in the Royal Injunctions of 1547, it is ordered, “that they shall take away, utterly extinct and destroy, all Shrines and covering of Shrines.” (*i*) And in the same year it was inquired whether they had been removed. (*h*) In 1550 the same inquiry is made in Bishop Ridley's Visitation Articles. (*l*) So also in the reign of Queen Elizabeth in 1559. (*m*)

LIGHTS AND CANDLES.

A great deal of discussion has taken place as to putting Candles upon or near the Communion Table, and a great deal of confusion has been introduced into the question by speaking of “Lights” and “Candles” as convertible terms.

(*e*) 1 Cardw. Doc. Ann. 357.

(*i*) 1 Cardw. Doc. Ann. 17.

(*f*) Ibid. 371.

(*h*) Ibid. 50.

(*g*) Ibid. 398.

(*l*) Ibid. 92.

(*h*) Todd's John's Dict.

(*m*) Ibid. 242.

By the Royal Injunctions of Edward VI. 1547, which have been discussed in the first Chapter, "all Candlesticks were ordered to be taken away from Churches." (n) Candlesticks ordered to be removed.

But as Altars had not then been removed from the Churches, it was enjoined to "suffer from henceforth no torches, nor candles, tapers, or images of wax, to be set before any image or picture, but only *two Lights* upon the *High Altar*." (o) Two Lights to remain on the High Altar.

In the same year, in Ridley's Visitation Articles, it is inquired, "Whether they suffer any torches, candles, tapers, or any other light, to be in your Churches, but only *two Lights* upon the High Altar." (o) Inquiry in Visitation Articles.

In the first Prayer Book of Edward VI. the Communion Service is designated "The Supper of the Lord, and the Holy Communion, commonly called the *Mass*." And instead of any Communion Table being mentioned, it is directed that "the Priest, humbly standing afore the midst of the *Altar*, shall say the Lord's Prayer," &c. First Prayer Book.

It would appear that in consequence of the Altar having been retained in our Churches, and having been used in the celebration of what was called the "Mass," the Priest continued to perform many of the same superstitious *Ceremonies* as in the time of Popery. Continuance of superstitious practices.

(n) 1 Cardw. Doc. Ann. 17; The same order is given in the Royal Injunctions of Queen Elizabeth, A.D. 1559, 1 Cardw. Doc. Ann. 221; and in the Visitation Articles of the same year inquiry is made "whether in their Churches and Chapels all Candlesticks be removed and destroyed." 1 Cardw. Doc. Ann. 242.

(o) Ibid. 6.

Visitation
Articles framed.

To prevent this, certain Articles, framed as instructions for the Visitors in a new Royal Visitation, were issued in 1549 after the publication of the first Prayer Book; and being of the same year, they afford evidence of the contemporary practice in matters of rites and ceremonies.

What orders
given.

By these Articles, it was ordered that the Clergy, in reading the Injunctions which were issued in 1547, should omit all those parts which mention "the Popish mass, candles upon the Altar, or any such like thing," (*p*) and it is also expressly enjoined, "For an uniformity, that no Minister do counterfeit the Popish mass, as to kiss the Lord's Table; washing his fingers at every time in the Communion; blessing his eyes with the Paten or Sudary, or crossing his head with the Paten; shifting of the Book from one place to another; laying down and licking the Chalice of the Communion; holding up his fingers, hands, or thumbs, joined towards his temples; breathing upon the Bread or Chalice; shewing the Sacrament openly before the distribution of the Communion; ringing of sacrying Bells; or *setting any Light upon the Lord's Board at any time*; and finally to use no other *Ceremonies* than are appointed in the King's Book of Common Prayers, or kneeling, otherwise than is in the said Book." (*q*)

Lights among
the Ceremonies
forbidden.

These Articles prove, that Lights upon the Lord's Table, being especially forbidden, are among those *Ceremonies* which were then held not to have

(*p*) 1 Cardw. Doc. Ann. 74.

(*q*) "Articles to be followed and observed according to the King's Majesty's Injunctions

and Proceedings." Ex MSS. Johnson apud Burnet, Hist. Reform, Vol. VI. App. p. 165; 1 Cardw. Doc. Ann. 75.

been appointed by the first Book of Common Prayer.

If therefore setting any Light upon the Altar during the celebration of the Mass, under the first Prayer Book, was a *Ceremony* forbid almost as soon as used, it cannot be supposed that such a *Ceremony* would be permitted in our Communion Service, as there most certainly is no authority for it in our Prayer Book.

Not permitted in our Communion Service.

But even supposing Candles to have been Altar “Ornaments in the Church of England by authority of Parliament, in the second year of the reign of King Edward VI.,” and admitting that the constitution of 1322, 16 Edward II., which directs that, “*tempore quo Missarum solennia, peraguntur, accendantur duæ candelæ, vel ad minus una,*” (r) was confirmed by 25 Henry VIII. cap. 19, s. 7, still such Ornaments are quite inapplicable to our present Churches.

Candles inapplicable as Altar Ornaments.

For it could never have been the intention of the framers of our last Prayer Book, that there should be the same Altar Ornaments in our Churches, as there were in the second year of Edward VI. For directions that there should be Altar Ornaments at all, would, indeed, have been absurd, and in the teeth of the Orders from time to time issued, that no Altars should be erected. (s)

Reason for it.

In 1550, being shortly after the publication of the first Prayer Book of Edward VI., Altars were removed, and in the second Prayer Book of 1552, and in the Liturgy, as revised upon the

Removal of Altars.

(r) Lyndw. 236; Gibs. Cod. 390.

(s) See *Faulkner v. Litchfield*, 3 Eccl. and Mar. Cases, 582.

accession of Queen Elizabeth in 1559, there is no mention of any Altar, but only of the Communion Table. We have seen, too, that by the "Advertisements," in 1564, and by a Canon in 1571, a wooden Table for the Service of the Holy Communion, was required to be provided in every Church.

Altar furniture consequently useless.

The Altar, therefore, having ceased to exist long before the last revision of the Prayer Book in 1664, it became impossible to put "two Lights on the High Altar," or, indeed, to use any Altar Furniture at all.

What to be placed on the Communion Table

It follows, therefore, that as the Communion Table was not used in our Churches in the second year of Edward VI., we can only be guided by our own Canons and Prayer Book, with respect to what, as a matter of right, may now be placed upon it.

During Divine Service.

We have seen that, by Canon 82, the Communion Table is to be covered, during Divine Service, with a Carpet of Silk, or other decent stuff thought meet by the Ordinary; and the Bishop of Exeter allows the Sacramental Plate to be set out and displayed upon it.

Or at Communion time.

At the Communion Time it is to be covered with a *Fair Linen Cloth*, "and then *so much Bread and Wine as he shall think sufficient* is to be placed there by the Priest," but nothing is said about the Lighting of Candles, or even about Candles or Candlesticks at all, although the Paten, Cup, Chalice, or Flagon, are severally mentioned. (*t*)

Candles cannot be set up on the Communion Table.

Everything, then, being at all times excluded from the Communion Table, except what is used,

(*t*) See Judgment of Bishop (Clerk), May 28, 1847. of Exeter In re Parks Smith

or may be used, in the Service itself,(u) it follows that neither the Bishop, Clergyman nor Churchwardens have the right of setting up *Candles on the Communion Table*, as they are neither used nor can be used, in the Communion Service (u)

As Candlesticks were ordered to be removed by the Royal Injunctions of 1547, they are *not* "Ornaments in this Church of England by authority of Parliament, in the second year of the Reign of King Edward VI.," and therefore cannot be set up in other parts of the Church without the License of the Bishop.

In other parts of Church.

It would appear, however, that Candles may, by his authority, be placed at each side of the Communion Table, even within the Rails, for the purpose of lighting the Church during Divine Service. And the Bishop of London would, probably, in this case, as when they are *upon* the Communion Table, "see no objection to them, provided that the Candles are not Burning, except when the Church is lighted up for Evening Service." (x)

License of the Ordinary.

And it is on this principle that in Chapels Royal, Cathedrals, and College Chapels, Candles have always been retained, but have only been used to assist in lighting these several places, during an Evening or an early Morning Service.

Practice in Chapels Royal, Cathedrals, &c.

Where Candles have existed under these circumstances for a great length of time, there can be no possible objection to them ; but where they have been recently put up alongside of the Communion Table, and some of the Parishioners object, it would

The duty of the Ordinary.

(u) See Judgment of Bishop of Exeter In re Parks Smith (Clerk), May 28, 1847.

(x) See Bishop of London's Charge, October 1842.

be very wrong of the Ordinary to give any sanction to so paltry a cause of contention, and his proper course would be, to settle the question by ordering the Churchwardens to remove them.

FLOWERS.

Vases of Flowers cannot be put upon the Communion Table, as they are no part of its Furniture, and, indeed, it does not appear that they were used even on the Altar, as "Ornaments of this Church by authority of Parliament in the second year of the reign of King Edward VI." And it has also been held that Flowers cannot be used for decorating any part of the Church.

Bishop of London's opinion.

The Bishop of London, in his Charge of October 1842, says, "I strongly disapprove of the practice of decorating the Communion Table with Flowers; and especially when that decoration is varied from day to day, so as to have some fanciful analogy to the history of the Saint who is commemorated. This appears to me to be something worse than frivolous, and to approach very nearly to the honours paid by the Church of Rome to deified Saints."

Bishop of Exeter's opinion.

With respect to decorating Churches with Flowers, the Bishop of Exeter says, "That such was the custom in primitive times, admits not of doubt; but it can hardly be necessary to say, that this of itself is no justification of the adoption of such practice now. If it were, the performance of Divine Service, instead of aiming at anything like uniformity, would vary with the measures of antiquarian learning, which might chance to distinguish the different authorities in the several Parishes among us." (x)

(x) In re Parks Smith (Clerk), May 28, 1847.

The true Cross of Christ was supposed to have been found at Jerusalem, by Helena, the mother of Constantine the Great; and people were so anxious to get pieces of it, that in the time of Paulinus, a scholar of St. Ambrose, and Bishop of Nola, about the year 420, there was much more of the relics of the Cross than of the original wood. Wherefore the Father says "it was miraculously increased; it very kindly afforded wood to men's importunate desires, without loss of substance." (*y*)

THE CROSS.

In the times of Popery, a Cross for the Dead was required in every Church, and was to be laid on the Coffin, or on the Corpse when it was brought to the Church. (*z*)

Cross for the Dead.

A Cross was also required, for Processions with Candlesticks. (*a*)

Cross for Processions.

There was also to be a Crucifix in every Church. (*a*)

The Crucifix.

The use of the Cross in the Sacramental Table was never heard of during more than the first three centuries of the Christian Era. Durandus, who states that the proper place for the Cross is the Lord's Table, was a Bishop and Canonist of the thirteenth century, and therefore very little entitled to our attention on a question respecting the present law of our Church, even if the reasons stated by him were as solid, as they are, in truth, shadowy and unsatisfactory. His principal reason is this, "The Cross on the Altar is placed in the middle between the two Candlesticks, because Christ in the Church is the mediator between the two peoples (the Jews

Cross on the Lord's Table.

(*y*) See Wheatly on the Common Prayer, 53. Doc. Ann. 151.

(*a*) See 1 Cardw. Doc. Ann.

(*z*) Johns.; See 1 Cardw. 151, 152.

and the Gentiles), for he is the Corner Stone making of both one." (b)

Condemned
by Royal
Injunctions.

In the Royal Injunctions of Edward VI., (c) persons are condemned for superstitiously abusing the ceremonies of the Church, by "making Crosses of wood upon Palm Sunday, in time of reading of the Passion." "A time," says the Bishop of Exeter, "when (if ever), the exhibition of a Cross should seem peculiarly appropriate." (b)

Use of Crosses
favoured by
Queen Eliza-
beth.

Queen Elizabeth, it is known, was favourable to the use of Crosses and Crucifixes, and they continued to be exhibited in the beginning of her reign, not merely in her own Chapel, but also in many of the Churches. (c) Bishop Cox, in writing to P. Martyr, in August 1559, says, "*crucis crucifixi que imaginem in templis tolerare cogimur, cum magno animorum nostrorum cruciatu.*" (d)

Disputation
on the subject.

It appears that a disputation was held on this subject, Parker and Cox (whose sentiments had undergone a change), having undertaken to defend the use of Crosses against Grindal and Jewel, who were most earnest in opposing them. The question, however, was soon afterwards set at rest by the complete removal of Crosses, as appears from a letter written to Bishop Sandys by P. Martyr, on the First of April 1560. (e)

Order for
their removal.

In the Injunctions of Archbishop Grindal in 1571, particular directions were given to the Churchwardens as to the furniture and other things which

(b) See Per Bishop of Exeter
In re Parks Smith (Clerk), May
28, 1847.

(d) Hess. Cat. Vol. ii. p. 131.
Zur. Lett. p. 36.

(c) 1 Cardw. Doc. Ann. 268 n.

(e) See 1 Cardw. Doc. Ann.
269 n.

they were to provide, and especially for the Communion Table, but no Cross was in the number. There is, however, in another part, a direction both to the Churchwardens and to the Minister, to see that all Crosses are utterly defaced, broken, and destroyed, within the Province of York. (*f*)

In 1576, Grindal having become Archbishop of Canterbury, specially includes the following among the articles to be inquired of within this Province:—
 “Whether Crosses, and such other relics and monuments of superstition be utterly defaced, broken, and destroyed.” (*g*)

Archbishop
Grindal's
Injunctions.

Now the Bishop of Exeter very fairly observes, that without claiming for these Injunctions and Articles the authority of law, and without deferring largely to his judgment, we must at least see in them conclusive evidence, in the absence of anything to the contrary, that what an Archbishop, first of York, and then of Canterbury, thus peremptorily ordered to be destroyed, could not have been among the Ornaments, which only twelve years before, and under the same Sovereign, that Sovereign Queen Elizabeth, were ordered by Statute “to be retained and be in use,” because they “were in this Church of England, by the authority of Parliament, in the second year of the reign of King Edward VI.” (*f*)

Observations
of the Bishop
of Exeter.

It may be laid down as law that a Cross cannot be placed on the Communion Table, as it is no part of its furniture; and the Bishop of Exeter makes

Cross cannot
be placed on
Communion
Table.

f See Judgment of Bishop of Exeter In re Parks Smith (Clerk), May 28, 1847. (*g*) See 1 Cardw. Doc. Ann. 309.

the following sensible remarks on the subject, "If one person may, at his pleasure, decorate the Lord's Table with a Cross, another may equally claim to set a Crucifix upon it, whilst a third might think it necessary to erect some symbol of Puritan doctrine or feeling, to mark his reprobation of his Romanizing neighbour." (*i*)

PICTURES
AND PAINTED
WINDOWS.

Pictures and Painted Windows cannot be set up in our Churches without the License of the Ordinary, and it would appear that they were not "in this Church of England by authority of Parliament, in the second year of the reign of King Edward VI.," all pictures and paintings, either in walls or glass windows, having before that year been ordered to be destroyed.

Injunctions
of King
Edward VI.

In the Royal Injunctions of Edward VI., it is ordered "that they shall take away, utterly extinct and destroy, all Pictures, Paintings, and all other monuments of idolatry and superstition, so that there remain no memory of the same in walls, glass windows, or elsewhere within their Churches and houses." (*k*)

Royal Injunctions
of Queen
Elizabeth.

The same is ordered by the Royal Injunctions of Queen Elizabeth. (*l*) And in the Visitation Articles of the first year of her reign in 1559, it is inquired, "Whether all Pictures, Paintings, &c., be removed and destroyed." (*m*)

Archbishop
Parker's
Articles.

In the Declaration of Articles put forth by Archbishop Parker in 1559, after his election, with the concurrence of other Bishops, and used after 1564 (when the Advertisements were used), as authorita-

(*i*) Judgment of Bishop of Exeter In re Parks Smith, (Clerk), May 28, 1847.

(*k*) 1 Cardw. Doc. Ann. 17.

(*l*) Ibid. 221.

(*m*) Ibid. 242.

tive, it is said, "Last of all, I do utterly disallow the extolling of Images, Relics, and Feigned Miracles, and also all kind of expressing God invisible in the form of an Old Man, or the Holy Ghost in the form of a Dove, and all other vain worshipping of God." (n)

In our present Churches, however, Painted Windows are common, and many Fresco Paintings are still in existence, covering large portions of their walls. Several of these have been discovered by accident, having long been concealed and kept from destruction by coats of whitewash. (o) Altarpieces, so called, are also found in many of our Churches, painted in oil, and representing a great variety of subjects.

State of our present Churches.

Coats of Arms if regularly placed in any Window, or Monument in the Chancel or Churchyard, cannot be beaten down or defaced by the Parson, Ordinary, Churchwardens, or any other; and if they be, the heirs by descent interested in the Coat of Arms may have an action *on the case*. (p)

Coats of Arms regularly put up.

If any improper Ornament be put up, but not fixed to the Fabric, the Ordinary may at once order it to be removed, and, in case of neglect or refusal, criminal proceedings may be taken.

Removal of Ornaments not fixed to the Fabric.

Thus a criminal proceeding was instituted by the Bishop of Exeter against a Clergyman in his Diocese "for placing, or causing to be placed, and suffering to remain during Divine Service, in various parts of the Chapel, and especially on the Communion Table, certain Ornaments, or other unauthorized things, being *against the laws ecclesiastical*." (q)

Criminal proceedings.

(n) 1 Cardw. Doc. Ann. 266.

(p) Frances v. Ley. Cro. Jac. 367.

(o) See Poole's Church Architecture, 103.

(q) See In re Parks Smith (Clerk), May 28, 1847.

Commission
of Inquiry.

A Commission of Inquiry was issued against the Clergyman under the Church Discipline Act, (*r*) and it appeared that the Ornaments placed by the Clergyman, or by others under his permission, on the Communion Table, prepared for the administration of the Lord's Supper on Easter Day, were two glass vases containing Flowers, and a Cross about two feet high decked with Flowers. (*s*)

Punishment.

The Clergyman admitted in writing the truth of the charges, and consented that the Bishop of Exeter should pronounce sentence. He was accordingly admonished not again to offend in like manner, and ordered to pay the costs of the proceedings. (*s*)

Removal of
Ornaments
fixed to the
Fabric.

If, however, an improper Ornament be fixed to the fabric of the Church, then it is doubtful whether it can be removed without first calling upon the Parishioners to shew cause, and trying the case in the Ecclesiastical Court.

License of the
Ordinary.

Thus it was held that if any superstitious Pictures are in a window of the Church or Aisle, it is not lawful for any to break them without License of the Ordinary; and in Pricket's case, Wray, C. J., bound an offender to his good behaviour. (*t*)

Trial of the
question.

So also the Parishioners of All Hallows, Barking, in 1639, complained to the Bishop of London that certain Pictures and Images, contrary to the laws of the Church of England, had been set over the Font of their Church, and that the Communion

(*r*) 3 & 4 Vict. cap. 86, s. 3.

(*s*) See *In re Parks Smith* (Clerk), May 28, 1847.

(*t*) 1 Burns's Eccl. Law, 374;

Pricket's Case, cited *Day v. Beddingfield Noy*, 104; *Frances v. Ley*. Cro. Jac. 367.

Table was not in its usual place. The Bishop's Chancellor, after trying the question decreed that the Pictures be taken down. (*t*)

And even when Ornaments have been improperly put up, they must be regularly taken down. Thus where Sir Thomas Bury set up his Arms in the Church of St. David's, Exeter, and they were ordered to be defaced, the Ordinary had first promoted a Suit in the Spiritual Court. (*u*)

Arms improperly put up.

(*t*) Gibs. Appendix, 1465.

(*u*) Palmer *v.* Bishop of Exeter, 1 Stra. 375.

CHAPTER IV.

OF THE PROPERTY IN THEM.

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A person may give or dedicate goods to God's service in such a Church, and deliver them into the custody of the Churchwardens, and thereby the property is immediately changed. (a) And indeed, by the Laws of England, in the time of Popery, if a stranger had taken even another person's goods, and offered them to an Image in a consecrated Church, this would have made as good a change in the property, as if they had been sold in market overt. (b)

Dedication of goods to the Parish.

But in order, however, to make goods Parish property, there must have been an intention on the part of the owner, to dedicate them to the Parish; and there must be some evidence of such intention, to justify the conclusion that he has done so. (c)

There must be an intention to do so.

For the mere fact of placing goods in the Church, does not make them Parish property, even though, as in the case of gas-fittings for lighting the Church, they are of a character to benefit the Parishioners generally, and not merely the person placing them there. (c)

The mere fact of placing not sufficient.

No person has a right to hang up what are called

Hanging up Ornaments in a Church.

(a) Degges, P.C., Part i. chap. 12; 11 Hen. IV. 12; Cro. Car. 343.

91a; Degges, P.C., Part i. chap. 12.

(b) 34 Hen. VI. 10; Coke 10,

(c) Moore v. Cook, M. S. 1841, cited Prideaux's Churchwardens' Guide, 266.

Ornaments in a Church without leave of the Rector, because the freehold of the Church is in him, and he may make his own terms for that leave. (*d*)

Understanding with the Rector.

In general, when private individuals hang black cloth in the Parish Church, with the concurrence of the Rector, there is a kind of understanding between them, that the cloth becomes the property of the Rector. (*d*)

Who has no property except by agreement.

But where no bargain has been made with respect to the terms upon which the cloth is to be hung in the Church, the Rector has no right to take any portion of it, because by law he is not entitled to take such a property, unless by matter of agreement between the parties to whom it belongs. (*d*)

Action maintained against him.

And under such circumstances, when the Church of St. John the Baptist, Margate, had been hung with black cloth in respect to the memory of the late Princess Charlotte, and the Rector had converted it to his own use by having it made up into coats, waistcoats, and other articles of apparel, the Churchwardens brought an action against him, and obtained a verdict of 15*l.* for the value of the cloth. (*d*)

Ornaments in a Bishop's Chapel.

If a Bishop put up Ornaments in his Chapel, the See is entitled to them at his death. This was so declared in the Bishop of Carlisle's case, (*e*) and is pleaded by Lord Coke, in the case of *Corven v. Pym*, (*f*) as good law, that although other Chattels belong to the executors of the deceased, and shall not go in succession, yet the Ornaments of a Chapel

(*d*) *Cramp & another v. Bayley*
{Clerk}, Kent Spr. Ass. 1819.

(*f*) *Corven v. Pym*. 12 Rep.
105.

(*e*) 21 Edw. III. cap. 48.

of a preceding Bishop belong to the succeeding Bishop, and are merely in succession. (*g*)

And if a man hang up Bells in a Steeple, they become Church goods, and are, by Act of Parliament (*h*), parcel of the freehold of the Church; and he cannot afterwards remove them, for if he does, he may be sued by the Churchwardens, to whom the custody and possession of the goods of the Church belong, though the property of them is in the Parishioners. (*i*)

Hanging Bells
in a Steeple.

A Parishioner had a house so near the Church, that a five o'clock Bell rung in the morning disturbed her. She therefore came to an agreement in writing with the Churchwardens and Inhabitants at a Vestry, that she would build a Cupola and Clock at the Church, in consideration whereof the Bell was not to ring at five o'clock during her life. And this was held to be a good agreement in Chancery. (*k*)

Agreement
with Church-
wardens.

The Churchwardens are the guardians or keepers and representatives of the body of the Church; they are in its favour for some purposes a kind of Corporation, being enabled by that name to have a property in goods and chattels, and to bring actions for them. (*l*)

They have the
custody of the
goods.

But they have not, *virtute officii*, the custody of

But not of
the Title-Deeds
of the Ad-
vowson.

(*g*) Gibs. Cod. 171.

(*h*) 11 Hen. IV. cap. 12.

(*i*) Degges, P.C. Part i. chap. 12; *Starky v. Churchwardens of Watlington*, 2 Salk. 547.

(*k*) *Dr. Martin and Lady Ara-*

bella Howard his Wife v. Nutkin and another, 2 Williams, 266.

(*l*) 1 Bla. Com. 394; Gibs. Cod. 243; and see *Smith v. Adkins*, 8 M. & W. 370.

the Title-Deeds of the Advowson, though they are kept in a Chest in the Church. (*m*)

Church-wardens have care of the goods.

The duties of the Churchwardens were originally confined to the care of the ecclesiastical property of the Parish, over which they exercise a discretionary power, for specific purposes. In all other respects, it is an office of observation and complaint. (*n*)

When added to the Church.

Whenever anything is legally added to the Fabric of the Church, to its Utensils, Churchyard or appurtenances, by the requisite consent and license, it thenceforth becomes the charge of the Churchwardens to take care of it, and they are obliged to repair, amend, and renew it, when necessary, in the same manner as other particulars belonging to the Church. (*o*)

And must see that they are kept in order.

The Churchwardens or Questmen are to take care, that all things in the Church be kept in "such an orderly and decent sort, without dust, or anything that may be either noisome or unseemly, as best becometh the house of God, and is prescribed in a Homily to that effect." (*p*)

Homily on the subject.

Thus in "the Sermon for repairing and keeping clean of Churches," the following passage appears: "For like as men are well refreshed and comforted when they find their houses having all things in good order, and all corners clean and sweet; so when God's house, the Church, is well adorned, with places convenient to sit in, with the Pulpit for

(*m*) Gardner *v.* Parker, 4 T. R. 351.

(*n*) Hutchins *v.* Deniztoe, 1 Hag. CC. 173.

(*o*) Prid. 51.

(*p*) Canon 85; And see Homily "For repairing and keeping clean and comely adorning of Churches."

the Preacher, with the Lord's Table for the Ministration of his Holy Supper, with the Font to christen in, and also is kept clean, comely, and sweetly, the people are more desirous and the more comforted to resort thither, and to tarry there the whole time appointed them." (*q*)

Churchwardens, upon being elected or appointed, and making the Declarations required by 5 & 6 William IV., cap. 62, s. 9, and being sworn in, are so far incorporated by operation of law, as to be capable of taking and holding Money or Goods by gift, legacy, &c., to the use of the Parish, and for the benefit of the Church. (*r*)

Churchwardens may take money by legacy, gift, &c.

And if a Pecuniary Legacy be given to a Parish Church, it does not belong to the Rector or Vicar, but to the Churchwardens for the Repair of the Church, and the improving and adorning the same. (*s*)

Application of it.

The Churchwardens are a Corporation by custom, to sue and be sued for the Goods of the Church; and they may purchase Goods, but not Lands, except it be in London by custom. (*t*)

Churchwardens a corporation for the goods.

A Churchwarden may have an action of *trespass*, for taking the Goods of the Parish, as they are in his custody. (*u*)

May have *trespass* for taking them.

So if a man take the Organ out of the Church, the Churchwardens may have an action of *trespass* against

As the Organ, for instance.

(*q*) The Second Tome of Homilies.

(*t*) Jones 439; Cro. Car. 532; 4 Vin. 525 m.; 1 Ld. Ruegm.

(*r*) See Grant on Corporations, 600; 2 P. Wms. 125.

337; Co. Lit. 3.

(*s*) Attorney-General v. Ruper, 2 Williams, 125.

(*u*) Rex v. Rees, 12 Mod. 116.

him, because the Organ belongs to the Parishioners, and not to the Parson. (*x*)

Their successors may maintain the action.

If the Churchwardens for the time being, neglect to bring an Action, for any of the Goods of the Church taken away, their Successors may bring *trespass* for them in respect of their Office, (*y*) and this view is confirmed in another case by Sir Joseph Jekyll, Master of the Rolls. (*z*)

How the damage should be laid.

But in declaring for such *trespass*, the new Churchwardens must say, *ad damnum Parochianorum*, not *ad damnum ipsorum*. (*a*)

Alienation under the Civil Law.

By the Civil Law, the Goods belonging to a Church were forbidden to be alienated or pawned, unless for the redemption of captives, for relief of the poor in time of great famine and want, or for paying the debts of the Church, if a supply could not be otherwise raised, or upon other cases of necessity or great advantage in the Church. And in every alienation the cause was to be first examined, and the Decrees of the Prelate intervene, with the consent of the whole Clergy or Chapter. (*b*)

Under the Law of England.

By the Law of England, however, the Goods belonging to a Church may be aliened; but the Churchwardens alone cannot dispose of them. The consent of the Parish must be had because they are their Goods, and also the License of the Ordinary, because they appertain to holy things, of which he has the care and ordering. (*c*)

(*x*) Buckside's Case, 1 Rol. Abr. 393.

2 Williams, 126.

(*y*) Churchwardens of Fotherston's Case, 1 Leon. 177.

(*a*) Hadman v. Ringwood, 3 Croke, 179.

(*z*) Attorney General v. Ruper,

(*b*) Wood's Civil Law, 142.

(*c*) See Prid. 123.

Thus, for instance, if the Churchwardens would sell an old Bell towards other Repairs, or put off old Communion Plate to buy New, or dispose of any other of the Goods of the Church, although to the use of the Parish, they cannot do it without the consent of the Parish, and the License of the Ordinary. (*e*)

Certain consents necessary.

Should any such goods be disposed of without consent of the Parish, the whole transaction is void in law. (*d*)

Or the transaction is void.

But if the Churchwardens shall, with such consent, have sold any of the Church Goods, they must of course account for the proceeds to the Parish.

Churchwardens must account.

But though the Goods of the Church belong to the Parishioners, it has been held that they cannot have an action against the Churchwardens, for wasting any of them. (*e*)

Parishioners cannot bring an action for waste.

The Parishioners, in such case, must make new Churchwardens, and though a Parish prescribe to choose two Churchwardens, who shall continue in office for two years, yet the Parish may, notwithstanding the prescription, remove such Churchwardens at their pleasure, and choose new ones. For the Parish might suffer great loss, if the Churchwardens should continue so long in office, contrary to their will, for in that time they might waste all the Parish Goods belonging to the Church. (*f*)

But must make new Churchwardens.

And the succeeding Churchwardens may have an

Who may sue their predecessors.

(*d*) Prid. 124.

Wats. 400; 1 Danv. Abr. 788

(*e*) Bro. "Corporations," 56;

2 Cro. 845.

(*f*) 13 Coke, 70; Wats. 400.

action against their predecessors for the Goods of the Parish. (*g*)

Decision on the subject.

And indeed it has been held, that Churchwardens *de facto* may maintain an action against a former Churchwarden, for money received by him for the use of the Parish, though the validity of their election to the office be doubtful, and though they be not his immediate successors. (*h*)

What held to be sufficient excuse.

But the Churchwardens and Parishioners, may agree to take down a ruinous Bell, and deliver it to a Bell founder, and promise to pay him a certain sum for recasting it, giving him liberty to retain it till the Money be paid. And such Agreement was held to excuse the Churchwardens, in a Writ of Account brought against them by their Successors. (*i*)

Taking away Church goods.

It is said, that he who takes away the Goods of a Chapel or Abbey, in time of vacation, may be indicted, in the first case, for stealing, *bona capellæ*, being in the custody of such and such; and, in the second, for stealing, *bona domus et ecclesiæ*, &c. (*k*)

Churchwardens cannot be indicted.

The Churchwardens may be punished in the Ecclesiastical Courts, but not indicted for misconduct with respect to Property belonging to them as Churchwardens. (*l*)

Even for stealing the Bell ropes.

Therefore, an Indictment for Larceny cannot be supported against a Churchwarden, for stealing the

(*g*) *Rex v. Morgan Rice*, Comb. 417.

(*h*) *Turner v. Baynes*, 2 Hen. Bla. 560.

(*i*) *Methold, v. Winn*, 1 Rol. Abr. 393.

(*k*) 1 Hale, 512; 2 Hale, 81; 1 Hawk. P.C., c. 33, s. 45; 2 East P.C., c. 16, s. 69, p. 651; 1 Russ. Crimes, 845.

(*l*) *Welerne v. Lake*, 1 Sid. 281.

Bell-ropes of the Parish Church, for which he is the Churchwarden. (*m*)

For as it is laid down by Hawkins, (*n*) he has *possession* of the Goods of the Church, in contradistinction to the *mere charge* of Goods, such as a butler or cook have of their masters' goods. For they have the possession.

At common law, if any person during the night time breaks and enters a Church, he is guilty of Burglary. For *Ecclesia est domus mansionalis Omnipotentis Dei*, and to break into the Mansion-house of any one in the night, with a felonious intent, is Burglary. (*o*) Burglary in a Church.

If any person break and enter any Church or Chapel, and steal therein any chattel, or having stolen any chattel therein, break out of the same, every such offender shall suffer death as a felon. (*p*) But this punishment has since been altered to transportation for life, or for any term of years not less than seven, or to be imprisoned for any term not exceeding three years, with or without hard labour, and for such period of solitary confinement as the Court may direct. (*q*) Breaking into a Church or Chapel.

The word "Chapel" in the Statute has been construed not to apply to Chapels of Dissenters. Thus when the prisoner was indicted for breaking and entering a Chapel, which appeared from the evidence to be a Dissenting Chapel, Mr. Justice Gaselee and Mr. Baron Vaughan, held that the Statute What sort of Chapel.

(*m*) Jackson v. Adams, 2 N.C. 408.

(*n*) Hawk. P.C., Appeals, s. 44.

(*o*) 3 Inst. c. 14, p. 64; 1 Hale, P.C., 656.

(*p*) 7 & 8 Geo. IV. cap. 29, s. 10.

(*q*) 6 & 7 Will. IV. cap. 1; and see 7 Will. IV. & 1 Vict. cap. 90, s. 5.

applied only to Chapels of the Church of England ; because when the Legislature meant to protect the Chapels of Dissenters they expressly mention them, as in 7 & 8 Geo. IV. c. 30, s. 2. (*r*)

Stealing any
chattel.

The words "any chattel," would probably be held to extend to articles in a Church or Chapel, which are not used for Divine Service. For the words "any goods," in the repealed Statute, 1 Edward VI., cap. 12, were held not to be confined to Goods used for Divine Service, but to extend to articles used in the Church to keep it in repair, as a Pot used to hold Charcoal for airing the Vaults, and a snatch block used to raise weights, if the Bells wanted repair. (*s*)

Tower part
of the Church.

Two Surplices and a Scarf, were stolen from a Box kept in a Church Tower. This Tower was built higher than the Church, and had a separate Roof, but no outer Door, and was only accessible from the body of the Church, from which it was not separated by any partition, it was held that this Tower was a part of the Church, within the meaning of 7 & 8 George IV cap. 29, s. 10. (*t*)

Vestry part of
the Church.

The Vestry of a Parish Church used for robing purposes, was broken open and robbed. It was formed out of what before had been the Church Porch, but had a Door opening into the Church-yard, which could only be unlocked from the inside. It was held that this Vestry was as much a part of the Fabric of the Church, for the purposes of an

(*r*) *Rex v. Warren*, 6 C. & P. 335 n ; see also *Rex v. Nixon*, 7 C. & P. 442.

(*s*) *Rex v. Rourke*, R. & R. 386.
(*t*) *Rex v. Wheeler*, 3 C. & P. 585.

indictment for sacrilege, as the Communion Table or the Nave. (*u*)

It has been holden that when the Bells, Books, or other Goods belonging to a Church are stolen, they may be laid in the indictment, to be the Goods of the Parishioners. (*x*)

Church goods may be laid in Parishioners.

The Goods in a Dissenting Chapel, vested in trustees, cannot be described as the Goods of a servant, who has merely the custody of the Chapel and things in it, to clean and keep in order, though he has the key of the Chapel, and no other person but the Minister has the other key. (*y*)

Goods of a Dissenting Chapel.

But Books belonging to a Society of Dissenters, and stolen from the Chapel, may be described as the property of one of the members of the society, by name "*and others.*" Upon an indictment for stealing a Bible and Hymn Book, the property of J. Bennett and others, it appeared that the Books had been presented to the Society of Wesleyan Methodists, from whose Chapel they had been stolen; and that they had been bound at the expense of the Society. Bennett was one of the trustees of the Chapel, and a member of the Society, but no trust-deed was produced, it was held that as Bennett was one of the Society, the property in the Books, was well laid in him "*and others.*" (*z*)

How Books belonging to such place may be laid.

(*u*) Reg. v. Evans, 1 C. & Crimes, 845.
Marsh, 298.

(*y*) Rex v. Hutchinson, R. & R. 412.

(*x*) 1 Hale, 512; 2 Hale, 81;
1 Hawk. P. C. c. 33, s. 45; 2 East,
P. C. c. 16, s. 69, p. 651; 1 Russ.

(*z*) Rex v. Boulton, 5 C. & P.
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